

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: 12/01112/PP

Planning Hierarchy: Local Development

Applicant: Miss Kyle Morris

Proposal: Change of use and alterations from public conveniences to Class 1 shop

Site Address: Public toilets, Main Street, Tobermory, Isle of Mull

DECISION ROUTE

Local Government Scotland Act

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of building from public conveniences (sui generis) to Class 1 shop
- External alterations including re-roofing and installation of glazed picture windows

(ii) Other specified operations

- Erection of signage (separate legislation applies)
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(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) HISTORY:

None

(D) CONSULTATIONS:

Area Roads Manager
Report dated 28.05.12, No objections

Environmental Health Unit
Memo dated 28.05.12, No objections

(E) PUBLICITY:

The proposal has been advertised in terms of listed Building/Conservation Area procedures, closing date 21st of June 2012.

A site notice was posted on site on the 18th of May 2012 and expired on the 5th of July 2012.

(F) REPRESENTATIONS:

One letter of objection has been received from:

Keith and Rhoda Drake, Tobermory Gallery, Main Street, Tobermory

The main issues raised are as follows:

Traffic concerns/pedestrian safety

Comment: The Area Roads Engineer has been consulted and has raised no objections to the proposed development. The previous use of the building as a public convenience would have attracted a similar number of visitors if not more than the proposed development would attract.

Issues with regards to dilution of businesses/business competition

Comment: This is not a material planning consideration, as policy supports retailing uses within the town centre, and the market dictates what type of retailing shall prevail.

Concerns with regards to railings on seaward side being too wide.

Comment: This is not a material planning consideration, but is covered under Building Standards considerations.

Concerns that other mooted proposals for the site would be better.

Comment: This is not a material planning consideration, and any such proposals have not come to fruition as planning applications.

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:	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
<hr/> (H) PLANNING OBLIGATIONS		
(i)	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.	
	<u>Argyll and Bute Structure Plan 2002</u>	
	STRAT DC 1 – Development within the Settlements	
	<u>Argyll and Bute Local Plan 2009</u>	
	LP ENV 1 – Impact on the General Environment	
	LP ENV 14 – Development in Conservation Areas and Special Built Environment Areas	
	LP ENV 19 – Development Setting, Layout and Design	
	LP RET 1 – Retail Development in the towns – The Sequential approach	
	LP TRAN 4 – New and Existing Public Roads and Private Access Regimes	
	LP TRAN 6 – Vehicle Parking Provision	
	Appendix A – Sustainable Siting and Design Principles	
	Appendix C – Access and Parking Standards	
(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.	
	Argyll & Bute Sustainable Design Guidance (2006)	
	The Town & Country Planning Act (Scotland) 1997	

The Planning etc. (Scotland) Act, 2006

SPP, Scottish Planning Policy, 2010

(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
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The building is in the ownership of Argyll and Bute Council.

(O)	Requirement for a hearing:	No
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(P) Assessment and summary of determining issues and material considerations

This is a proposal for a change of use and alterations from public convenience to Class 1 shop at the former public toilet building, Main Street, Tobermory, Isle of Mull.

The building lies within the main settlement of Tobermory and within a designated Conservation Area. STRAT DC 1 of The Argyll and Bute Structure Plan 2002 gives encouragement to development within the small towns and villages on appropriate sites. There is an existing building at the site which presents an opportunity for change of use of building development and the principle of development can be supported at the site subject to consistency with all other development plan policies. The proposed development accords with STRAT DC 1 of the Structure Plan as the existing building presents an opportunity for re-use.

The building has formerly been used as a public convenience, lying in the Conservation Area of Tobermory, the main town on Mull, which attracts significant numbers of tourists every year. It is proposed to change the use of this building to a class 1 shop. Some alterations are also proposed to enable the provision of a new ice-cream shop. The use of the building as public conveniences has already ceased and the building is currently lying vacant. The proposed use will generate less pedestrian traffic than the former use, and is just as acceptable as the previous use of the site. Maintaining a good mixture of uses and filling vacant units within the designated main town area is considered to support the vitality and viability of the town centre. Whilst alternative developments, or demolition of the existing utilitarian building, might both have presented broader opportunities within the town, no such proposals have come forward. In lieu of such proposals, the application proposed is considered acceptable, and it accords with the provisions of Policy LP RET 1.

It is proposed to replace the existing concrete tiled roof with dark grey natural slate, which is a welcomed improvement. A double glazed picture window will be installed on the south facing elevation. The walls will be finished with a cream wet dash render. The proposed development is a suitable design at this location, and achieves a timely

investment in the external appearance of this small building. The proposed development will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the adopted Sustainable Design Guide

The proposed development will present an improvement to the existing building and its surroundings and will in turn enhance the character of the Conservation Area. The proposed development accords with Policy LP ENV 14 of The Local Plan which aims to maintain or where possible enhance the character and amenity of existing proposed Conservation Areas.

The Area Roads Engineer has been consulted and has raised no objections to the proposed development. Legal and Protective Services have been consulted and have raised no objections to the proposed development.

The building has existing water and drainage provisions which will continue to be used.

The accompanying plans show that three advertisement signs are to be attached to the building. These advertisements are covered under The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

The development proposed is consistent with adopted Local Plan policy and will have no adverse impact in terms of layout, design, servicing and infrastructure. The proposed development therefore accords with Policy LP ENV 1 of the adopted Local Plan which sets out a general basis for consideration of all applications for planning permission.

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

(R) Reasons why planning permission should be granted

The proposed development is considered acceptable at this location without causing any unacceptable impact on the wider area and there are no infrastructural constraints which would preclude the proposed development at the site.

The proposal accords with Policy STRAT DC 1 of the adopted Argyll and Bute Structure Plan 2002, Policies LP ENV 1, ENV 14, ENV19, TRAN 4, TRAN 6, RET 1 and Appendix 1 of the adopted Argyll and Bute Local Plan 2009. There are no other material considerations, including issues raised by third parties, which are considered to have decisive weight that would warrant anything other than the application being determined positively in accordance with the provisions of the development plan.

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

N/A

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

Author of Report: Lesley Cuthbertson **Date:** 23.07.12

Reviewing Officer: Stephen Fair **Date:** 25/07/12

Angus Gilmour

Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 12/01112/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 20th of April 2012 and the approved drawing reference numbers:

Plan 1 of 10 (Cover Sheet)
Plan 2 of 10 (Site Proposed)
Plan 3 of 10 (Existing)
Plan 4 of 10 (Elevations as proposed)
Plan 5 of 10 (Elevations as proposed)
Plan 6 of 10 (Floor plan as proposed)
Plan 7 of 10 (Cross sections as proposed)
Plan 8 of 10 (Long sections as proposed)
Plan 9 of 10 (Signage details as proposed)
Plan 10 of 10 (3D images as proposed)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

NOTE TO APPLICANT

- **Length of this planning permission:** The development to which this permission relates must be begun within three years from the date of this permission in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- In order to comply with Section 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.
- 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.

APPENDIX B – RELATIVE TO APPLICATION NUMBER 12/01112/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

This application is seeking planning permission for a change of use and alterations from public convenience to Class 1 shop at the former public toilet building, Main Street, Tobermory, Isle of Mull.

Argyll and Bute Local Plan 2009, identifies the site within Tobermory 'Settlement', where Structure Plan Policy 'STRAT DC 1' applies. It states:

Encouragement shall be given, subject to capacity assessments, to development in the settlements as follows:

B) Within the small towns and villages to development serving a local community of interest, up to and including medium scale development, on appropriate infill, rounding-off and redevelopment sites; in exceptional cases large scale development may be supported.

There is an existing building at the site which presents an opportunity for change of use of building development. The principle of development can be supported at the site subject to consistency with all other development plan policies. The proposed development accords with STRAT DC 1 of the Structure Plan as the existing building presents an opportunity for re-use. The proposed retail use would support the vitality of the town and thus serve the local community.

B. Location, Nature and Design of Proposed Development

The application site sits centrally within the main street of the main town centre. The main street fronts the sea and surrounds the bay which has a central pier. Buildings are generally set back from the seafront in line with the public road and are mainly victorian in style with a large number being Listed. The former public conveniences sit in front of these buildings on the seaward side of the public road in prominent position, alongside parking areas which stretch along most of the bay.

The building has formerly been used as a public convenience. It is proposed to change the use of this building to a class 1 shop use. The use of the building as public conveniences has already ceased and the building is currently lying vacant. The proposed use will generate less pedestrian traffic than the former use, and is just as acceptable as the previous use of the site. Maintaining a good mixture of uses and filling vacant units within the designated main town area is considered to support the vitality and viability of the town centre. Whilst alternative developments, or demolition of the existing utilitarian building, might both have presented broader opportunities within the town, no such proposals have come forward. In lieu of such proposals, the application proposed is considered acceptable, and it accords with the provisions of Policy LP RET 1.

It is proposed to replace the existing concrete tiled roof with dark grey natural slate, which is a welcomed improvement. A double glazed picture window will be installed on the south facing elevation. The walls will be finished with a cream wet dash render. The proposed development is a suitable design at this location, and achieves a timely investment in the external appearance of this small building. The proposed development

will therefore accord with the provisions of LP ENV 19 of the adopted Local Plan and the guidance contained within the adopted Sustainable Design Guide

C. Built Environment

As outlined above, the application site is centrally located with the Main Street of Tobermory in a prominent location. Many of the buildings on the Main Street are listed buildings and the main town is a designated Conservation Area to which special controls are afforded by national legislation.

The proposed use of the building consists mainly of internal alterations and external alterations are fairly minimal, but positive in terms of their affect on the building appearance. The proposals represent an improvement to the existing building which will in turn enhance the character of the Conservation Area. The proposed development accords with Policy LP ENV 14 of The Local Plan which aims to maintain or where possible enhance the character and amenity of existing proposed Conservation Areas.