

Reference Number: 08/02161/VARCON
Applicants Name: Capital Developments (GB) Ltd
Application Type: Variation of condition
Application Description: Variation of condition 7 (holiday occupation restriction) of planning permission 778/76
Location: No. 3, 4, 6 & 7 Arden Craig Chalets, Arden Craig Road, Rothesay, Isle of Bute.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Deletion of condition 7 (occupation restriction) of planning permission 778/76.

(ii) Other specified operations

- N/A
-

(B) RECOMMENDATION

Having due regard to development plan policy and other material considerations, it is recommended that planning permission **be granted** subject to the conditions and reasons detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The site is located within Rothesay Conservation Area. Given that no physical alterations are sought to the chalets, the proposal will have no impact on the established character or appearance of this designation.

Policy POL HO 3 of the adopted Bute Local Plan seeks to resist development within this Countryside Safeguarding Zone to prevent settlement coalescence. This proposal does not incorporate any new physical development while the use of the chalets will remain as holiday lets. Therefore the proposal will not compromise this safeguarding zone.

The site is located with the defined settlement zone under the emerging local plan. The proposal is considered to be consistent with Policy LP TOUR 1 which seeks a presumption in favour of new or improved tourist accommodation. For this reason, the proposal is also consistent with STRAT DC 1.

(ii) Representations:

Three letters of representation have been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

N/A.

(iv) Reasoned Justification for a Departure from the Provisions of the Development Plan.

N/A

(v) Is the Proposal a Schedule 1 or 2 EIA development:

N/A

(vi) Does the Council have an interest in the site:

No.

(vii) Need and Reason for Notification to Scottish Ministers.

N/A

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
31 March 2009

Author: John Irving, Tel: 01369708621 **Date:** 10th March 2009
Reviewing Officer: David Eaglesham, Tel: 01369708608 **Date:** 30 March 2009

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/02161/VARCON

1. The chalets shall be used for holiday letting purposes only and not as a main residence and shall not be occupied by any family, group or individual for more than three months in any calendar year, unless as otherwise agreed in writing with the Planning Authority.

Reason: To ensure that the chalets do not become in permanent residential use in the interest of the areas amenities and in accordance with the lawful use of the chalets.

NOTE TO APPLICANT RELATIVE TO APPLICATION: 08/02161/VARCON

As the premises are within the Rothesay Conservation Area, no trees or shrubs should be felled or lopped without prior notification to the Planning Authority.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/02161/VARCON

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

STRAT DC 1 '*Development in the Settlement*' developments which don't accord with this policy are those developments which are essentially incompatible within close configuration of land uses found in settlements.

Bute Local Plan 1990

Policy POL BE 6 '*Rothesay Conservation Area*' seeks to prevent any deterioration in the character and setting of this designated area through inappropriate new developments.

Policy POL HO 3 '*Countryside Safeguarding Zone*' stresses the need for settlement consolidation, developments will not generally be permitted, and development in this zone is restricted to infill or rounding-off.

Policy POL RUR 1 '*Landscape Quality*' seeks to maintain and enhance the landscape quality of Bute.

Policy POL TOUR 2 '*Tourist Development in the Countryside*' encourages the development of tourist facilities including self catering accommodation.

Argyll and Bute Local Plan Post-Inquiry Modifications (2008)

Policy LP ENV 1 – '*Development Impact on the General Environment*' seeks to ensure all applications for planning permission are assessed on their impact on both the natural, human and built environment.

Policy LP ENV 14 – '*Development in Conservation Areas and Special Built Environment Areas*' seeks to resist development that does not preserve or enhance the character of the designated area.

Policy LP ENV 19 – '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP TRAN 4 – '*New & Existing, Public Roads & Private Access Regimes*' sets out the requirements for development in respect of new and existing public roads and private access regimes.

Policy LP TOUR 1 – '*Tourist Facilities & Accommodation, including Static and Touring Caravans*' there is a presumption in favour of new or improved tourist facilities and accommodation.

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk.

(ii) SITE HISTORY

Planning permission 778/76 granted on 3rd March 1978 for the erection of holiday chalet development at Arden Craig Estate, Rothesay, Isle of Bute. Planning permission was granted subject to 9 conditions. Condition 7 states the following:

'The chalets hereby permitted shall be restricted to holiday use, and may be occupied at any time during the year with the exception of the months of January and February unless the prior written consent of the Local Planning Authority is given.'

Planning enforcement investigation 08/00170/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 3. See associated report elsewhere on this agenda.

Planning enforcement investigation 08/00171/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 4. See associated report elsewhere on this agenda.

Planning enforcement investigation 08/00173/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 6. See associated report elsewhere on this agenda.

Planning enforcement investigation 08/001734ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 7. See associated report elsewhere on this agenda.

(ii) CONSULTATIONS

Area Roads Manager

26th January 2009

'The change to the existing permission to allow 12 months usage per annum is acceptable for holiday use. It should be noted that if these units are to become mainstream housing, planning permission will be required to ensure that safe access to and from the units are available, parking and design of the access road complies with current Road Development Guidelines.'

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 Neighbour Notification procedure and 'Development in Conservation Area' advertisement expired 9th January 2009, three representations have been received from the following:

- Peter Vincent (letter dated 29th December 2008) Arden Craig House High Craigmores Rothesay PA20 9EP.
- June Buchanan & David Hartley (letter dated 5th January 2009) Taigle Nook 5 Arden Craig Chalets Arden Craig Road Rothesay Bute.
- Hamish and Morag Eadie (e-mail dated 7th January 2009) 64 Chamberlain Road Jordanhill Glasgow G13 1SN.

The points raised are detailed below:

- i. The buildings are over 35 years old and were never intended for permanent occupation.

Comment: See assessment below.

- ii. The two chalets closest to Arden Craig House affect the setting of this fine building.

Comment: This proposal does not incorporate any physical change to the chalets closest to Arden Craig House and as such the impact on the setting of this building has not changed.

- iii. The objective behind this application is to increase the potential value of these buildings.

Comment: See assessment below.

- iv. These chalets will become the market low cost housing and will be a shanty town in this conservation area.

Comment: See assessment below.

- v. The access track serving the chalets is substandard.

Comment: See assessment below

- vi. As the owners of chalet no. 2 we wish to object to the application for the wholesale removal of condition 7. Since the applicant has stated that he wishes to continue the existing use as holiday chalets we do not see a need for the removal of the condition.

Comment: See assessment below.

- vii. There are conditions in our title deeds which indicate that we should respect our environment and neighbours. These conditions were totally ignored by Capital Developments.

Comment: Any issue relating to title deeds is an entirely legal matter to be resolved between interested parties. This matter does not fall under the jurisdiction of the Planning Authority.

- viii. Some chalets have been rented out over the winter months. Live in tenants creating bad neighbour issues.

Comment: See assessment below.

- ix. Rights of access, parking and turning issue with chalets 6 and 7.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/02161/VARCON

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within Rothesay Conservation Area.

Under the provisions of the adopted Bute Local Plan 1990 the chalets area located outwith the defined settlement zone and within a 'Countryside Safeguarding Zone'. Policy POL HO 3 seeks to resist development within such a zoning to prevent settlement coalescence. This proposal does not incorporate any new physical development and will therefore in no way compromise this safeguarding zone.

Policy TOUR 4 promotes the improvement and upgrading of existing holiday accommodation on Bute, in preference to new developments. The removal of this condition will allow these chalets to be used as holiday lets all year round and therefore improve the holiday accommodation stock on the island.

The proposal is therefore considered to be consistent with policy HO 3 of the adopted Bute Local Plan 1990.

In the emerging Argyll & Bute Local Plan Post Inquiry Modifications 2008 the site is located within the Rothesay settlement zone, which has been identified as a 'Main Town'. Policy LP TOUR 1 seeks a presumption in favour of new or improved tourist accommodation. This proposal is consistent with this policy and importantly STRAT DC 1 of the adopted Structure Plan. The proposal does not seek to change the use of these chalets into residential properties but to allow their occupation as holiday lets for 12 months of the year. This does not present any land use conflict or adverse amenity/visual impact. A new condition can be attached to the grant of planning permission to ensure the occupation of these chalets is restricted to holiday usage.

The proposal is therefore considered to be consistent with policy STRAT DC 1 of the adopted Structure Plan and policy LP TOUR 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

Ardencraig boasts seven chalet buildings; these properties are small, single storey timber clad structures. They are accessed by a single track road. Five chalets are positioned in a single tier, while the remaining two are located on higher ground to the southwest.

This application seeks the removal of condition 7 from planning permission 778/76 relating to chalets no 3, 4, 6 and 7. This condition only allows the holiday use of these buildings for 10 months of the year and prevents any occupation during January and February in any calendar year. This application does not seek to change the use of these buildings but to allow holiday occupation of these properties for 12 months of the year.

This proposal does not incorporate or permit any physical changes to these properties and relates purely to their holiday usage.

The proposal is therefore considered to be consistent with policy LP ENV 19 of the emerging local plan.

C. Built Environment

There are no proposed physical changes or alterations to the chalets. The proposal will therefore not have any bearing on the established character or appearance of the wider Rothesay Conservation at this location.

The proposal is consistent with policy POL BE 6 of the adopted local plan and policy LP ENV 14 of the emerging local plan.

D. Road Network, Parking and Associated Transport Matters

There are no changes proposed to the existing car parking and access arrangements. The Area Roads Manager has raised no objection to this proposal. Given the existing holiday usage of the chalets is to remain the existing access arrangements are acceptable.

The proposal is consistent with policy LP TRAN 4 of the emerging local plan.

E. Infrastructure

There is no proposed change to the existing water supply or sewerage treatment arrangements.

The proposal is consistent with policies LP SERV 1 and 4 of the emerging local plan.

CONCLUSION

Importantly, the use of these chalets will remain as holiday lets. The variation of condition 7 will allow these buildings to be used for holiday accommodation for 12 months of the year consistent with development plan policy. A condition can be attached to this planning permission to ensure the continued use of these chalets remains as holiday lets.