

Reference Number: 09/00132/NMA
Applicants Name: Mrs June Buchanan Hartley & Mr David Buchanan Hartley
Application Type: Non-material amendment
Application Description: Alter and extend existing chalet, erect conservatory and decking (non-material amendment to planning application 06/01795/DET to incorporate two additional windows on west elevation and variation to design of timber cladding on north elevation (retrospective).
Location: 5 Arden Craig Chalets, Arden Craig, Rothesay Isle of Bute.

(A) THE APPLICATION

- (i) Proposed non-material changes to Planning Permission 06/01795/DET:
- Two additional windows on west elevation.
 - Variation to design of timber cladding on north elevation.
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(B) RECOMMENDATION

It is recommended that the changes detailed above be accepted as non-material amendments to Planning Permission 06/01795/DET under Section 64 of the Town and Country Planning (Scotland) Act 1997.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) **Development Plan Context:**

This application seeks minor design changes to planning permission 06/01795/DET which was approved consistent with Development Plan policy.

The proposed design changes are considered to be minor in nature and consistent with policy POL BE 15 of the Bute Local Plan 1990 and policy LP ENV 19 of the Argyll & Bute Local Plan Post Inquiry Modifications.

(ii) **Representations:**

One representation has been received.

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

Not applicable.

(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:

No.

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

No.

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

No.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
31 March 2009

Author: John Irving, Tel: 01369 708621 **Date:** 24th March 2009
Reviewing Officer: David Eaglesham, Tel 01369 708608 **Date:** 31 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

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 09/00132/NMA

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Bute Local Plan 1990

Policy POL BE 6 '*Rothesay Conservation Area*' seeks to prevent any deterioration to the character of the designated area through unsympathetic new development.

Policy POL BE 15 '*Layout & Design of Urban Development*' seeks to achieve a high standard of layout and design where new urban developments are proposed.

Policy POL HO 3 '*Countryside Safeguarding Zone*' seeks to resist development that results in existing settlement coalescence and promotes infill or rounding off development only.

Argyll & Bute Local Plan Post Inquiry Modifications (November 2008)

Policy LP ENV 14 '*Development in Conservation Areas and Special Built Environment Areas*' seeks a presumption against development that does not enhance the character or appearance of the Conservation Area.

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

Policy HOU 5 '*House Extensions*' will be supported where they cause no significant detriment to the building, neighbours or the immediate vicinity.

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 15th February 1978 for the erection of holiday chalet development.

Planning Permission 06/01795/DET granted on 17th October 2006 to alter and extend existing chalet, erect conservatory and extension.

Planning enforcement investigation 08/00172/ENFBOC commenced on 16th May 2008 regarding breach of condition 7 of planning permission 778/76 at Chalet No. 5. See associated report elsewhere on this agenda.

Planning application 09/00136/COU submitted on 3rd February 2009 for the retrospective change of use of Chalet No. 5 to a dwellinghouse, erection of shed, pathway and fence. See associated report elsewhere on this agenda.

(iii) CONSULTATIONS

None.

(iv) PUBLICITY AND REPRESENTATIONS

One representation has been received from Mr Colin Slinn (e-mail dated 22nd March 2009), colinslinn@manx.net.

The points raised does not relate to this application; see associated report for planning application 09/00136/COU.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 09/00132/NMA

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Ardencraig Chalets are located within Rothesay Conservation Area.

The site is located with the Countryside Safeguarding Zone in the Bute Local Plan 1990 but within the defined settlement zone in the emerging local plan. This application incorporates very minor design changes to an approved development that does not result in any form of settlement coalescence nor does it have any impact upon the established settlement pattern.

The proposal is considered to be consistent with policies POL HO 3 of the adopted local plan and policy LP HOU 1 of the emerging local plan.

B. Location, Nature and Design of Proposed Development

This application seeks to regularise minor design changes to planning permission 06/01795/DET. These variations include the following:

- Two additional windows on west elevation.
- Variation to design of timber cladding on north elevation.

The proposed design changes are considered to be minor and crucially '*non-material*' in nature, consistent with policy POL BE 15 of the Bute Local Plan and policy LP ENV 19 of the Argyll & Bute Local Plan Post Inquiry Modifications. In addition, the changes included within this non-material amendment application do not present any adverse privacy or amenity issues with neighbouring properties.

The proposal is considered to be consistent with policy POL BE 9 of the Bute Local Plan and policy LP ENV 19 & Appendix A of the emerging Local Plan.

C. Built Environment

Policy LP HOU 5 of the emerging local plan seeks to permit housing extensions providing there is no significant detriment to the building, neighbouring buildings and surrounding vicinity. Furthermore, both the adopted and emerging local plans boast specific policies which seek to maintain and enhance the character of the conservation area. This application presents minor design changes to a planning permission which was approved on the basis that it did not detract from the overall character of the building or surrounding environment. The non-material changes included within this application do not unduly change or impact upon the overall character and design of this building or indeed the wider conservation area.

The proposal is considered to be consistent with policy POL BE 6 of the Bute local plan and policies LP ENV 14 and LP HOU 5 of the emerging Local Plan.

CONCLUSION

This application represents very minor changes to the approved design. These changes are entirely acceptable in design terms, with no impact on neighbouring properties. As such, it is recommended that this application be approved.