

Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 22/02090/PP
Planning hierarchy: Local
Applicant: Mr Dougie Craig
Development: Alterations and Extension of Maisonette to Create a Self-Contained Two-Bedroom Flat at First Floor and a Three-Bedroom Flat at Second Floor
Site Address: Flat 1, 11 Battery Place, Rothesay, Isle of Bute

DECISION ROUTE

- Delegated - Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997
 Committee - Local Government Scotland Act 1973
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(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Subdivision of maisonette to create a self-contained two-bedroom flat at first floor and a three-bedroom flat at second floor
- Alterations and extension to roof

(ii) Other specified operations

- Internal alterations
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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 as a minor departure** to the Local Development Plan 2015 and Proposed Local Development Plan 2 (as intended for adoption) subject to the conditions, reasons and informative notes set out below.

(C) CONSULTATIONS:

Area Roads Engineer (report dated 17th July 2023)

Recommendation of refusal on the following grounds:

- The parking provision does not meet the minimum requirements for housing and flatted dwellings as set out in Supplementary Guidance policy SG LDP TRAN 6 of the Council's Local Development Plan.
- The proposal does not include any provision for off-street parking and the on-street parking does not have the capacity for further intensification.

(D) HISTORY:

Planning Permission (ref: 413/83) was granted on 11th July 1983 for the conversion of a dwellinghouse into two flats at the property to which the current application relates.

Retrospective Planning Permission (ref: 96/00575/DET) was granted on 22nd July 1996 for the installation of replacement windows on the side and rear elevation of the first floor flat at the property to which the current application relates.

An application for Listed Building Consent (ref: 22/01946/LIB) is currently under consideration for the proposed works at the subject property.

(E) PUBLICITY:

Subject of Neighbour Notification (closing date 9th November 2022) and advertised as development in a Conservation Area (closing date: 18th November 2022).

(F) REPRESENTATIONS:

No representations have been received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Impact Assessment Report: Yes No

(ii) An Appropriate Assessment under the Conservation (Natural Habitats) Regulations 1994: Yes No

(iii) A Design or Design/Access statement: Yes No

Prepared by the agent, Marek Wiszniewski. Summarised in the assessment contained in Appendix A below. It explains that the intention of the proposed alteration and adaptation of this important listed building is to emulate and enhance the current overall aesthetic, both from the street and aquatic perspectives, and to extend its beneficial use and life expectancy.

- (iv) A report on the impact of the proposed Yes No development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

Statement on parking prepared by the agent, Marek Wiszniewski. Referred to in the assessment contained in Appendix A below.

(H) PLANNING OBLIGATIONS

Is a Section 75 obligation required: Yes No

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- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: Yes 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.

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 1 – Tackling the Climate and Nature Crises
NPF4 Policy 2 – Climate Mitigation and Adaption
NPF4 Policy 3 – Biodiversity
NPF4 Policy 4 – Natural Places
NPF4 Policy 7 – Historic Assets and Places
NPF4 Policy 9 – Brownfield, Vacant and Derelict Land and Empty Buildings
NPF4 Policy 13 – Sustainable Transport

Liveable Places

NPF4 Policy 14 – Design, Quality and Place
NPF4 Policy 16 – Quality Homes
NPF4 Policy 17 – Rural Homes

Argyll and Bute Local Development Plan (Adopted March 2015)

LDP STRAT 1 – Sustainable Development
LDP DM 1 – Development within the Development Management Zones
LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment
LDP 9 – Development Setting, Layout and Design
LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance to the Argyll and Bute Local Plan 2015 (Adopted March 2016 & December 2016)

SG LDP ENV 1 – Impact on Habitats, Species and our Biodiversity
SG LDP ENV 13 – Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas
SG LDP HOU 1 – General Housing Development Including Affordable Housing Provision
SG LDP Sustainable Siting and Design Principles
SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Sustainable Design Guidance 2006
Historic Environment Policy Statement 2019
Historic Environment Scotland – *‘Managing Change in the Historic Environment’*
Publications

Argyll and Bute Proposed Local Development Plan 2

The Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) has now concluded and the Examination Report has been published. The Examination Report; the PLDP2 as recommended to be modified by the Examination Report; and the published Non Notifiable Modifications are material considerations in the determination of all planning and related applications.

PLDP2 Policies (as intended for adoption) relevant to the current application are as follows:

Spatial and Settlement Strategy

Policy 01 – Settlement Areas
Policy 04 – Sustainable Development

High Quality Places

Policy 05 – Design and Placemaking
Policy 08 – Sustainable Siting
Policy 10 – Design – All Development
Policy 15 – Supporting the Protection, Conservation and Enhancement of our Historic Built Environment
Policy 17 – Conservation Areas

Connected Places

Policy 40 – Vehicle Parking Provision

Homes for People

Policy 66 – New Residential Development on Non–allocated Housing Sites within Settlement Areas

High Quality Environment

Policy 71 – Development Impact on Local Landscape Area (LLA)
Policy 73 – Development Impact on Habitats, Species and Biodiversity

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

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

(M) Has a Sustainability Checklist been submitted: Yes No

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

(O) Requirement for a pre-determination hearing: Yes No

(P) (i) **Key Constraints/Designations Affected by the Development:**

Area of Panoramic Quality (Local Development Plan 2015)
Local Landscape Area (Proposed Local Development Plan 2)
Conservation Area
Category C Listed Building

(ii) **Soils**

Agricultural Land Classification: Built-up Area/Unclassified Land

Peatland/Carbon Rich Soils Classification: Class 1
Class 2
Class 3
N/A

Peat Depth Classification: N/A

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No

Would the development result in fragmentation of croft / better quality agricultural land? Yes No

(iii) **Woodland**

Will the proposal result in loss of trees/woodland? Yes
No

Does the proposal include any replacement or compensatory planting? Yes No – details to be secured by condition Not applicable

(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield Brownfield Reclaimed by Nature Greenfield

LDP Settlement Strategy

ABC LDP 2015 Settlement Strategy

Main Town Settlement Area
Key Rural Settlement Area
Village/Minor Settlement Area
Rural Opportunity Area
Countryside Zone
Very Sensitive Countryside Zone
Greenbelt

ABC PLDP2 Settlement Strategy

Settlement Area
Countryside Area
Remote Countryside Area
Helensburgh & Lomond Greenbelt

ABC LDP 2015 Allocations / PDAs / AFAs etc.:

N/A

ABC PLDP2 Allocations / PDAs / AFA etc.:

N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Planning Permission is sought for the subdivision of an existing five-bedroomed maisonette at 11 Battery Place, Rothesay, Isle of Bute into a self-contained two-bedroom flat at first floor and a three-bedroom flat at second floor. Externally, the roof space is to be increased through the removal of the existing dormer window on the front slope and its replacement with a mansard-type construction. The existing extended roof on the rear slope is to be refurbished by a new external finish and replacement windows.

Principle of Development

The application relates to the subdivision of an existing flatted dwelling that is within the main town of Rothesay on the Isle of Bute. The proposal would address the structural issues present in the building and would result in the creation of two smaller flatted units that would provide the size of accommodation needed on Bute. As such, the principle of the proposal accords with the Settlement Strategy as contained in the existing and emerging Local Development Plan.

Impact on the Built Environment

The subject property, which dates from the early 19th century, is a Category C Listed Building that is in a prominent seafront location in the Rothesay Conservation Area. The agent has advised that modifications carried out in the 1980s to form

accommodation within the roof space are of neither a structural nor environmental standard to satisfy modern requirements. The roof structure and the external finishes are badly weathered allowing water ingress which, coupled with a lack of insulation, is having a detrimental effect on the main fabric of the building.

In addition to providing a more robust roof, the proposal seeks to provide a self-contained flat within the attic by expanding the useable space on the front elevation. In following Historic Environment Scotland's document titled '*Guidance on the Principles of Listed Building Consent*', the works seek to avoid affecting the most significant features of interest on the building and it is considered that the Design Statement provides a cogent justification for the proposal.

Having regard to all of the above, the proposal is considered to be acceptable and to preserve the character and appearance of the site in question and this part of the Rothesay Conservation Area.

Impact on the Natural Environment

No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and the site for the proposed development is not covered by any national or European designations.

The site is located in an Area of Panoramic Quality (LDP 2015) and a Local Landscape Area (PLDP2) and these designations are a recognition of locally important physical landforms that are of scenic value.

The relevant policies in both the LDP and PLDP2 (as intended for adoption) seek to resist development in, or affecting, an Area of Panoramic Quality (APQ)/Local Landscape Area (LLA) where its scale, location or design would have a significant adverse impact on the character of the landscape.

No formal landscape and visual impact assessment is necessary and, given the '*householder*' type of development; the minor nature of the works; and the relatively localised impact that they would have, it is considered that the proposal would have a '*neutral*' effect upon the visual qualities of the wider APQ/LLA.

Impact on Parking and the Local Road Network

In using the parking standards contained in the existing and emerging Argyll and Bute Local Development Plans, the proposed creation of a two-bedroomed and a three-bedroomed flat from a subdivided four-bedroomed maisonette would result in a notional shortfall of one parking space.

The application does not include any provision for off-street parking and the Area Roads Engineer considers that the on-street parking in this location does not have the capacity for further intensification. As such, they have recommended refusal on the grounds that the parking provision does not meet the minimum requirements for housing and flatted dwellings contained in the Local Development Plan.

There are a number of factors to consider in this part of the assessment:

- NPF4 Policy 13 generally seeks "*to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably*".

- The property is located 450 metres from the ferry terminal (approximately 5 minutes on foot) and 30 metres to the south of the nearest unmarked bus stop so it has relatively good public transport and pedestrian links.
- There are practicalities involved in providing off-street parking in relation to the proposed development (even if it were only to fill the perceived shortfall of one space). There is a lack of depth in the front curtilage of the property in terms of accommodating a vehicle(s); the front boundary wall would need to be removed and this is protected as part of the listing of the building; and the front curtilage is within the ownership of the ground floor flat.
- It is recognised (as confirmed by the agent) that there is a greater need on Bute for two and three bedroom properties than the five bedroom maisonette that exists at the moment. The creation of two smaller residences would play a modest role in addressing the issues that are present in the island's housing market.

Whilst it is acknowledged that the proposal does not fully meet the provisions of the relevant Policies and Supplementary Guidance in terms of off-street parking, the mitigating factors detailed in the paragraphs above are of sufficient materiality for the application to be approved as a minor departure to the Development Plan.

(Q) Is the application consistent with the Development Plan: Yes No

(R) Reasons why Planning Permission should be granted

See Section (S) below.

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

Supplementary Guidance policy SG LDP TRAN 6 of the Council's Local Development Plan 2015 and Policy 40 of PLDP2 (as intended for adoption) both advocate that off-street car and vehicle parking should be provided for a proposed development on the basis of prescribed standards thereby ensuring that vehicles are not parked on the road where they may impede traffic flow or cause a hazard.

One of the minimum requirements is that two off-street parking spaces should be provided in association with a dwelling that contains either two or three bedrooms or three off-street parking spaces should be provided in association with a dwelling that contains four or more bedrooms. The proposal therefore requires a total of four off-street parking spaces. In this particular case, the existing maisonette has four bedrooms, which would notionally have three parking spaces associated with it although there is no existing off-street parking and, as such, vehicles park on the public road.

In using the parking standards referred to in Policy 40 and SG LDP TRAN 6 above, the two proposed flatted units should notionally each have two parking spaces

associated with them and, therefore, their creation would result in demand for an additional parking space in comparison with the existing situation.

There are relatively few properties in this part of Rothesay that have off-street parking so there is a considerable level of on-street parking and the current application is not proposing the creation of dedicated off-street parking spaces.

Both LDP 2015 and PLDP2 (as intended for adoption) refer to the limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones and these include small scale (i.e. up to five) flatted units. This zero parking provision does not apply in this case as the site is not within the identified town centre.

Notwithstanding the out-of-town-centre location, Supplementary Guidance SG LDP TRAN 6 refers to situations where a degree of flexibility might be available in terms of parking provision by taking into account specific criteria:

- It can be shown by the applicant that the parking requirement can be met by existing car parks and that the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area
- The development is a straight replacement that can use the existing parking provision. It should be noted that there may also be a requirement to provide additional parking spaces if there was a shortfall in the original provision
- The development is adjacent to, and well served by, good public transport and pedestrian links
- The development, due to special characteristics, is likely to generate a significantly lower demand for parking than the standards would imply
- Environmental considerations are of prime importance e.g. the development is proposed within a Conservation Area

In looking at how the above criteria might be applicable in the context of the current proposal, the following points are relevant:

- The property is located 450 metres from the ferry terminal (approximately 5 minutes on foot) and 30 metres to the south of the nearest unmarked bus stop so it has relatively good public transport and pedestrian links
- There are practicalities involved in providing off-street parking in relation to the proposed development (even if it were only to fill the perceived shortfall of one space). There is a lack of depth in the front curtilage of the property in terms of accommodating a vehicle(s); the front boundary wall would need to be removed and this is protected as part of the listing of the building; and the front curtilage is within the ownership of the ground floor flat

In addition to the above factors, it is recognised (as confirmed by the agent) that there is a greater need on Bute for two and three bedroom properties than the five bedroom maisonette that exists at the moment. The creation of two smaller residences would play a modest role in addressing the issues that are present in the island's housing market.

Finally, it is of significance to reiterate the aspirations inherent in NPF4 Policy 13, which highlight the importance of walking, cycling and proximity to public transport links. The agent has advised that accommodation for bicycles will be provided within the rear garden and this can be achieved by condition.

Whilst it is recognised that the proposal does not fully meet the provisions of the relevant Policies and Supplementary Guidance in terms of off-street parking, the mitigating factors detailed in the paragraphs above are of sufficient materiality for the application to be approved as a minor departure to the Development Plan.

(T) Need for notification to Scottish Ministers or Historic Environment Scotland:

Yes No

Author of Report: Steven Gove

Date: 5th February 2024

Reviewing Officer: Kirsty Sweeney

Date: 6th February 2024

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 22/02090/PP

Standard Time Limit Condition for Planning Permission (as defined by Regulation)

Standard Condition on Soil Management During Construction

Additional Conditions

1. Unless otherwise directed by any of the conditions below, the development shall be implemented in accordance with the details specified on the application form dated 17th October 2022; supporting information; and the approved drawings listed in the table below 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.

Plan Title.	Plan Ref. No.	Version	Date Received
Existing	Drawing No. 2207/001A	A	19.10.2022
Proposed	Drawing No. 2207/002A	A	18.10.2022
Proposed First Floor	Drawing No. 2207/003	-	18.10.2022
Prop. Second Floor Plan	Drawing No. 2207/004	-	18.10.2022
Prop. Section B – B	Drawing No. 2207/005		18.10.2022
Prop. Section C – C	Drawing No. 2207/006		18.10.2022

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

2. Prior to the commencement of the development, full details of the external finish of the new roofs and the new windows in the front and rear roofs shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the new roofs and windows shall be installed in accordance with the approved details.

Reason: In order to successfully integrate the development with the existing Listed Building and the wider Conservation Area and for the avoidance of doubt.

3. A facility for the storage of cycles, the details of which shall have been previously submitted to and agreed in writing with the Planning Authority, shall be provided within the rear curtilage of the application site prior to the occupation of the first of the flatted dwellings hereby approved. Unless otherwise agreed in writing with the Planning Authority, the approved cycle storage shall be retained in perpetuity for this dedicated purpose.

Reason: In the interests of facilitating the use of cycles by the occupants of the flatted dwellings hereby approved in accordance with the provisions of National Planning Framework 4 Policy 13 'Sustainable Transport' and Supplementary Guidance policy

SG LDP TRAN 2 '*Development and Public Transport Accessibility*' of the Argyll and Bute Local Development Plan 2015.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 22/02090/PP

PLANNING LAND USE AND POLICY ASSESSMENT

Planning Permission is sought for the subdivision of an existing five-bedroomed maisonette at 11 Battery Place, Rothesay, Isle of Bute into a self-contained two-bedroom flat at first floor and a three-bedroom flat at second floor. Externally, the roof space is to be increased through the removal of the existing dormer window on the front slope and its replacement with a mansard-type construction. The existing extended roof on the rear slope is to be refurbished by a new external finish and replacement windows.

National Planning Framework 4

The assessment of the issues in this section of the report pay due regard to the overarching **NPF4 Policy 1**, which seeks to prioritise the climate and nature crises in all decisions. Guidance from the Scottish Government advises that it is for the decision maker to determine whether the significant weight to be applied tips the balance for or against a proposal on the basis of its positive or negative contribution to climate and nature crises.

The key issues for consideration are:

- Principle of Development
- Impact on the Built Environment
- Impact on the Natural Environment
- Impact on Parking and the Local Road Network

A. Principle of Development

NPF4 Policy 2 seeks to ensure that new development proposals will be sited to minimise lifecycle greenhouse gas emissions as far as possible, and that proposals will be sited and designed to adapt to current and future risks from climate change.

Guidance from the Scottish Government confirms that at present there is no single accepted methodology for calculating and / or minimising emissions. The emphasis is on minimising emissions as far as possible, rather than eliminating emissions.

NPF4 Policy 9 seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

NPF4 Policy 16 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

NPF4 Policy 17 generally seeks to “*encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.*”

The application site is located within a defined ‘*remote rural area*’ and Policy 17 covers rural areas generally and part (a) supports development that is suitably scaled, sited and designed in keeping with the character of the area and the development meets one of the criteria. Part (c) that makes specific reference to remote rural areas and requires proposals to support and sustains existing fragile communities and meet local housing outcomes.

Assessment

In terms of the Settlement Strategy set out in the adopted Argyll and Bute Local Development Plan (LDP) 2015, the application site is situated within the defined Main Town of Rothesay where Policies LDP STRAT 1 and LDP DM 1 give general encouragement for sustainable developments, up to and including large scale, on appropriate sites.

As regards PLDP2 (as intended for adoption), the site is identified as being within a 'Settlement Area' where Policy 01 presumes in favour of redevelopment of brownfield sites where the proposed development is compatible with surrounding uses; is of an appropriate scale and fit for the size of settlement in which it is proposed; respects the character and appearance of the surrounding townscape in terms of density, scale, massing, design, external finishes and access arrangements; and is in compliance with all other relevant PLDP2 policies.

The application relates to the subdivision of an existing flatted dwelling (a brownfield site) that is within the main settlement on the Isle of Bute. The proposal would address the structural issues present in the building and would result in the creation of two smaller flatted units that would provide the size of accommodation needed on Bute.

As will be explored in more detail later in this report, the proposed external alterations to the building are considered to be appropriate in terms of their effect on the character of the Rothesay Conservation Area and to have no materially detrimental impact on parking in this part of Battery Place.

On the basis of the foregoing, the principle of the proposed development is considered to accord with those Policies and Supplementary Guidance that are referred to in the paragraphs above.

B. Impact on the Built Environment

NPF4 Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 7(d) only supports development proposals in or affecting Conservation Areas where they would preserve or enhance the character and appearance of the designated area and its setting. Relevant considerations include the architectural and historic character of the area; the existing density, built form and layout; and the context and siting, quality of design and suitable materials.

NPF4 Policy 14 seeks to "*encourage, promote and facilitate well-designed development that makes successful places by taking a design-led approach and applying the Place Principle.*"

Policies 14(a) and 14(b) seek to improve the quality of an area irrespective of location and advocate the adoption of the six qualities of successful places in the formulation of developments. Three of these qualities are '*pleasantness*' (attractive natural and built spaces); '*distinctiveness*' (supporting attention to detail of local architectural styles to be interpreted into designs to reinforce identity); and '*sustainability*' (the efficient use of resources that will allow people to live, play, work and stay in their area).

The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by Policies LDP 3 and LDP 9 and Supplementary Guidance policies SG LDP ENV 17 and SG LDP *Sustainable Siting and Design Principles* and in PLDP2 (as intended for adoption) by Policy 04; Policy 05; Policy 08; Policy 10; Policy 15; and Policy 17.

Assessment

The subject property is a Category C Listed Building that is in a prominent seafront location in the Rothesay Conservation Area approximately 0.4 km to the north-east of the town centre. In the listing description provided by Historic Environment Scotland at the time of the designation in November 1997, it is stated that the building was constructed in the early 19th century (possibly the 1820s) and flatted later in the 1980s.

It is described as an *“asymmetrical, 2-storey with attic, 3-bay plain classical style house; entered at front and rear”* and the architectural detailing on the front elevation is also covered.

Reference is made to the *“modern slate-hung dormer off-set to right of centre”* and that there is *“replacement glazing throughout.”*

The ‘Statement of Special Interest’ mentions that this is a “simple flatted house with some interesting detailing - in particular, the cast-iron columns, full-height bow and original fanlight. The 1896 Ordnance Survey map depicts this house without its front bow, thus implying it to have been a later addition.”

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that *“In the exercise, with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.

The assessment of the proposal in relation to its designation as a Listed Building will principally be undertaken in the report on the application for Listed Building Consent (ref: 22/01946/LIB). However, it is considered appropriate to refer to the qualities of the building in determining the impact of the proposal on the character of the wider Conservation Area.

In this regard, the following statements are made in Historic Environment Scotland's document titled *‘Guidance on the Principles of Listed Building Consent’*:

- The majority of Listed Buildings are adaptable and have met the needs of successive generations while retaining their character. Change should, therefore, be managed to protect a building's special interest while enabling it to remain in active use. Each case must be judged on its own merits but, in general terms, listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner.
- Listed Buildings will, like other buildings, require alteration and adaptation from time to time if they are to remain in beneficial use, and will be at risk if such alteration and adaptation is unduly constrained. In most cases, such change, if approached carefully, can be managed without adversely affecting the special interest of the building.
- Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted.

The agent, Marek Wiszniewski, has submitted a Design Statement in support of the application and the key points can be summarised as follows:

- The modifications that were carried out prior to the listing of the building to form accommodation within the roof space are of neither a structural nor environmental standard to satisfy modern requirements. The roof structure and the external finishes

are badly weathered allowing water ingress which, coupled with a lack of insulation, is having a detrimental effect on the main fabric of the building. The applicant wishes to improve both situations and increase the potential life expectancy of the building.

- The size of the floor areas of the existing first and second floor (attic) are such as to afford the opportunity of forming a third self-contained flat within the building at the second-floor level thereby strengthening the existing roof; reducing the building's carbon footprint; and providing valuable additional accommodation on the island.
- The original roof structure was substantially modified during the earlier alterations and it is recognised that the special interest of the building lies with the decorative appearance of the front (northwest-facing) elevation. In order to maximise the potential of the upper flat to suit modern living, expansion of the usable floor area into the loft is a logical progression and would ensure full maintenance and protection of the main structure.
- Historically, many buildings in the area have been modified with a '*mansard*'-type extension and the adjacent Commodore Hotel at 12 Battery Place is one such. The proposed alterations to the roof are designed to follow the same eaves line of the property at number 12. To avoid affecting the adjacent structure, the extended roof on the front elevation will '*mirror*' the footprint of the existing rear extended roof, maintaining a serviceable gap between the two buildings. This gap will be reflected on the Southwest gable, maintaining symmetry.
- To retain the massing effect of the roof in relation to the main building, new window dimensions will reflect the proportions of the lower windows, with the colour of the frames matching the main roof colour. The frames will be UPVC and the windows will be full height glazed with '*tilt-and-turn*' opening. As the windows can be opened inwards for cleaning, clear glass balustrade panels will be fitted externally.
- To enhance the weather protective façade of the vertical faces of the mansard, it is proposed to clad the timber-framed structure with anthracite grey-coloured, horizontally hung composite cladding. This will be a modern, environmentally appropriate alternative to emulate the existing pitch of the worn slates.
- The new roof (to be sheeted in an EPDM) will fall towards the rear of the building thereby concealing it from the view from the front and rainwater drainage will be connected to the existing at the rear of the building.
- The current complicated surface fixed drainage pipe system will be rationalised to improve the general external appearance and satisfy current standards.

Based on the information provided by the agent, the upper parts of the building are in a state of disrepair and the proposal would arrest the ingress of water together with providing a more robust roof. In line with guidance from Historic Environment Scotland, the works seek to avoid affecting the most significant features of interest on the building and it is considered that the Design Statement provides a cogent justification for the proposal.

Having regard to all of the above, the proposal is considered to be acceptable and to preserve the character and appearance of the site in question and this part of the Rothesay Conservation Area.

On the basis of the foregoing, and subject to suitably-worded conditions requiring the approval of external finishes and fenestration, **the proposed development is considered to accord**

with those Policies and Supplementary Guidance that are referred to in the paragraphs above.

C. Impact on the Natural Environment

NPF4 Policy 3 seeks to protect biodiversity, reverse biodiversity loss and deliver positive effects from development and strengthen nature networks.

NPF4 Policy 4 seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

The above NPF4 Policies are underpinned in the Argyll and Bute Local Development Plan 2015 by Policy LDP 3 and Supplementary Guidance policies SG LDP ENV 1; SG LDP ENV 11; and SG LDP ENV 13 and in PLDP2 (as intended for adoption) by Policy 04; Policy 71; and Policy 73.

Assessment

No material biodiversity impacts have been identified in the assessment of this application by the Planning Authority and, in the particular circumstances of the proposal, no conditions relating to specific measures for biodiversity enhancement and protection are considered to be necessary.

The site for the proposed development is not within any of the following: a designated European site of natural environment conservation or protection; a National Scenic Area; a SSSI or RAMSAR site; a National Nature Reserve; or a Local Nature Conservation Site.

The site is located in an Area of Panoramic Quality (LDP 2015) and a Local Landscape Area (PLDP2) and these designations are a recognition of locally important physical landforms that are of scenic value.

The relevant policies in both the LDP and PLDP2 (as intended for adoption) seek to resist development in, or affecting, an Area of Panoramic Quality (APQ)/Local Landscape Area (LLA) where its scale, location or design would have a significant adverse impact on the character of the landscape and one of the requirements contained in PLDP2 Policy 71 is that an application for development within an LLA should be supported by a landscape and visual impact assessment.

No formal landscape and visual impact assessment has been submitted with the current application; however, it is considered that the submitted plans and drawings provide sufficient information to allow an appropriate form of assessment to be carried out. Given the 'householder' type of development; the minor nature of the works; and the relatively localised impact that they would have, it is considered that the proposal would have a 'neutral' effect upon the visual qualities of the wider APQ/LLA.

On the basis of the foregoing, **the proposed development is considered to accord with those Policies and Supplementary Guidance that are referred to in the paragraphs above.**

D. Impact on Parking and the Local Road Network

NPF4 Policy 13 generally seeks "to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably".

More specifically, NPF4 Policy 13(b) supports developments where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they, *inter alia*:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation.
- Will be accessible by public transport, ideally supporting the use of existing services.

In the Argyll and Bute Local Development Plan 2015, Policy LDP 11 and Supplementary Guidance policy SG LDP TRAN 6 are applicable whilst Policy 40 is relevant in the PLDP2 (as intended for adoption).

Assessment

Policy 40 of PLDP2 (as intended for adoption) states that off-street car and vehicle parking shall be provided for development in accordance with the car parking standards set out in Table 5 on Pages 67 and 68 of the plan.

The main principle of Supplementary Guidance policy SG LDP TRAN 6 '*Vehicle Parking Provision*' of the Council's Local Development Plan 2015 is that off-street car and vehicle parking should be provided for a proposed development on the basis of the prescribed '*Access and Car Parking Standards*' thereby ensuring that vehicles are not parked on the road where they may impede traffic flow or cause a hazard.

One of the minimum requirements is that two off-street parking spaces should be provided in association with a dwelling that contains either two or three bedrooms or three off-street parking spaces should be provided in association with a dwelling that contains four or more bedrooms. In this particular case, the existing maisonette has four bedrooms, which would notionally have three parking spaces associated with it although there is no existing off-street parking and, as such, vehicles park on the public road.

In using the parking standards referred to in Policy 40 and SG LDP TRAN 6 above, the two proposed flatted units should notionally each have two parking spaces associated with them and, therefore, their creation would result in demand for an additional parking space in comparison with the existing situation. Therefore, the total number of off-street parking spaces required by the parking standards is four.

There are relatively few properties in this part of Rothesay that have off-street parking so there is a considerable level of on-street parking and the current application is not proposing the creation of dedicated off-street parking spaces.

The Area Roads Engineer has recommended refusal on the grounds that the application does not include any provision for off-street parking and the on-street parking does not have the capacity for further intensification with the consequence that the parking provision does not meet the minimum requirements for housing and flatted dwellings as set out in SG LDP TRAN 6.

In the narrative associated with Policy 40, Paragraph 6.24 states that, "*in the Main Towns, there is an acceptance that zero parking provision can be appropriate for certain categories of developments. This is justified on the basis that some types of development are able to function effectively within these central areas without requiring on-site parking, relying instead on central area public car parking provision and the availability of public transport services.*"

As a follow-on from the above, both LDP 2015 and PLDP2 (as intended for adoption) refer to the limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones and these include small scale (i.e. up to five) flatted units. This zero parking provision does not apply in this case as the site is not within the identified town centre, although it is considered edge of town centre.

Supplementary Guidance SG LDP TRAN 6 refers to those situations where a degree of flexibility might be available in terms of parking provision by taking into account the following criteria:

- *It can be shown by the applicant that the parking requirement can be met by existing car parks and that the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area.*
- *The development is a straight replacement that can use the existing parking provision. It should be noted that there may also be a requirement to provide additional parking spaces if there was a shortfall in the original provision.*
- *The development is adjacent to, and well served by, good public transport and pedestrian links.*
- *The development, due to special characteristics, is likely to generate a significantly lower demand for parking than the standards would imply.*
- *Environmental considerations are of prime importance e.g. the development is proposed within a Conservation Area.*

In looking at how the above criteria might be applicable in the context of the current proposal, the following points are relevant:

- The property is located 450 metres from the ferry terminal (approximately 5 minutes on foot) and 30 metres to the south of the nearest unmarked bus stop so it has relatively good public transport and pedestrian links.
- There are practicalities involved in providing off-street parking in relation to the proposed development (even if it were only to fill the perceived shortfall of one space). There is a lack of depth in the front curtilage of the property in terms of accommodating a vehicle(s); the front boundary wall would need to be removed and this is protected as part of the listing of the building; and the front curtilage is within the ownership of the ground floor flat.

In addition to the above factors, it is recognised (as confirmed by the agent) that there is a greater need on Bute for two and three bedroom properties than the five bedroom maisonette that exists at the moment. The creation of two smaller residences would play a modest role in addressing the issues that are present in the island's housing market.

Finally, it is of significance to reiterate the aspirations inherent in NPF4 Policy 13, which highlight the importance of walking, cycling and proximity to public transport links. The agent has advised that accommodation for bicycles will be provided within the rear garden and this can be achieved by condition.

Whilst it is recognised that the proposal does not fully meet the provisions of the relevant Policies and Supplementary Guidance in terms of off-street parking, the mitigating factors

detailed in the paragraphs above are of sufficient materiality for **the application to be approved as a minor departure to the Development Plan.**