Reference No: 13/01930/PP

Planning Hierarchy: Local

Applicant: George Hanson (Building Contractors) Ltd

Proposal: Erection of New Building Comprising Retail Unit at Ground Floor Level, 2 Flats at First Floor Level and 2 Flats at Second Floor Level

Site Address: 15-19 Montague Street, Rothesay, Isle of Bute

DEcision route

(i) Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

• Erection of three-storey building comprising ground floor retail unit and four upper floor flats;
• Use of ground floor of former bakery to accommodate part of retail unit

(ii) Other specified operations

§ Connection to public sewer and public water main.

(B) RECOMMENDATION:

It is recommended that planning permission be granted as a minor departure from policy LP TRAN 6 subject to the conditions, reasons and informative notes at the end of this report.

(C) HISTORY:

It is understood that the previous building was demolished approximately twenty five years ago.

(D) CONSULTATIONS:

West of Scotland Archaeology Service - No comments received to date
Environmental Health Officer- No comments received to date

Scottish Water - No comments received to date

Area Roads Manager (responses dated 7 & 11 October 2013) The one bedroomed flatted units are within the town centre with no requirement for parking spaces. There is a requirement for 0.5no. spaces per two bedroomed unit. There is a mixture of both on and off street parking available nearby. The retail unit intends to utilize the existing parking provision of Guildford Square. The servicing of the retail unit to be done in such a manner so as not to reduce available parking. Disruption to existing parking to be kept to minimum during the construction phase.

(E) PUBLICITY:

Neighbour notification procedure (closing date 26th September 2013) and Conservation Area Advert (closing date 4th October 2013).

(F) REPRESENTATIONS:

No representations have been received at the time of writing.

(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: Yes

The following is a summary of the Design Statement:

§ The former building on the site fell into a condition of disrepair and was demolished approximately 25 years ago. The east gable of the building shared a double chimney stack with the west gable of the adjacent building at 11-13 Montague Street. The east gable and chimney remains standing. Temporary shoring was installed between the remaining gable and the east gable of 21-27 Montague Street.

§ The local area is typical of the centre of a town on the Firth of Clyde. The buildings are a mix of two, three and four storey. Uses generally comprise commercial premises at ground level with residential properties on upper floors. The gap site and temporary shoring together with the dilapidated condition of adjoining properties currently convey a very poor impression to visitors and create a dismal environment for the local population.

§ Having once been a popular holiday destination, the town has been subject to economic decline over the past 40 years with the consequence that many buildings have fallen into disrepair. Rothesay Townscape Heritage Initiative is a five year project that seeks to restore properties in and around Guildford Square. Developing this gap site has been identified as a priority objective. THI grant funding has been allocated to the additional cost of building to a conservation standard using traditional
materials and also to the external repair of both adjoining properties. The proposed development comprises a retail unit at ground level with residential flats at upper floor levels. A south facing high back court will be provided above the deep plan retail unit for use as an amenity space for the residents of the flats. It is hoped that the development of the gap site will assist economic regeneration of the town and, with the repair of the adjoining properties, significantly improve the amenity of the local area.

Significant effort has been expended over a period of 30 months to identify end users that justify the development as an economically viable proposition. All possible sources of funding have been investigated. More ambitious options than the submitted proposal have been explored without establishing that the construction expenditure could be justified by either sale of the completed buildings or a viable rental return.

An agreement in principle has been reached with a tenant for the proposed retail unit. It is believed that this retailer will bring benefit to the community in offering a greater choice of products at competitive prices and, with the foot fall created, stimulate an upsurge in business / economic activity in the central area of town.

The applicant owns the former Muirs Bakery to the south of the gap site and the property at 5-9 Montague Street. The former bakery is presently being repaired. It is intended that the property at 5-9 Montague Street be refurbished and extended. The improved buildings will further enhance local amenity and offer accommodation for business growth perhaps stimulated by operation of the retail unit. The applicant is using his own funds to augment the grant funds offered by THI and HIE.

The sale of the upper floor flats in an ongoing unreceptive market is a worrying risk. It is to be noted that flats in previous developments on Bute remain unsold five years after completion.

The proposed building reinstates the three storey street frontage of the former building. The depth of the upper floors matches the depth of the adjacent building at 21-27 Montague Street. To exploit the view of the water front and give character to the front elevation, it is proposed that bay windows be provided to Living Rooms. The stairway giving access to the upper floors is located adjacent to the east gable to maximise the clear floor space in the retail unit. The proposed glazing will provide a high level of natural daylighting and express the stairway externally as a glazed lantern feature in the back court. The back court will be landscaped. The repair and improvement of adjoining buildings together with the open aspect to the south will create a pleasant amenity space for enjoyment of the residents.

In accordance with the aims of the Townscape Heritage Initiative it is proposed that traditional materials be used as follows: natural slate covering on pitched sections of roof; sheet lead covering on flat roofed sections; cast iron rain water goods. On the front elevation there will be dressed natural stone outer skin; timber sash and case windows; and cast iron downpipes. On the rear elevation there will be dressed natural stone feature bands around windows and the door giving access to the back court; a render finish to the external wall; timber sash and case windows; and cast iron downpipes.
(iv) A report on the impact of the proposed development eg. 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

STRAT DC 1 – Development within the Settlements
STRAT DC 9 – Historic Environment and Development Control
STRAT HO 1 – Housing – Development Control Policy

Argyll & Bute Local Plan 2009

LP ENV 10 seeks to resist development within Areas of Panoramic Quality where its scale, location or design will have a significant adverse effect on the character of the landscape.
LP ENV 13(a) seeks to ensure that development preserves Listed Buildings or their settings and any features of special architectural or historic interest that they possess.
LP ENV 14 presumes against development that does not preserve or enhance the character or appearance of an existing Conservation Area.
LP ENV 19 ‘Development Layout, Setting & Design’ requires developers to execute a high standard of setting, layout and design where new developments are proposed.
LP RET 1 presumes in favour of retail within the defined town centre.
LP RET 6 requires appropriate designs for shop frontages
LP HOU 1 promotes housing development within Main Town unless there is an unacceptable environmental, servicing or access impact.
LP TRAN 6 seeks to ensure that development proposals follow specific guidelines in respect of 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 4/2009.

Argyll and Bute Council Proposed Local Development Plan
(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: Yes

(O) Requirement for a hearing (PAN41 or other): No

(P) Assessment and summary of determining issues and material considerations

Planning Permission is sought for the erection of a new building comprising retail unit at ground floor level, 2 flats at first floor level and 2 flats at second floor level. There is to be no off-street parking associated with the proposal. Connection is to be made to public services.

The site is within the main town of Rothesay where there is support in principle for residential and retail development. The scale and design of the proposed block is considered to be acceptable having regard to the surrounding properties and the site’s location within the Rothesay Conservation Area.

No adverse comments have yet been made to the proposal by any of the consultees.

On the basis of the foregoing, the proposal is considered to be acceptable and to accord with the relevant Development Plan policies.

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

(R) Reasons why planning permission or a Planning Permission in Principle should be granted

The proposal accords with policies STRAT DC 1, STRAT DC 9 and STRAT HO 1 of the Argyll and Bute Structure Plan 2002 and policies LP ENV 10, LP ENV 13(a), LP ENV 14, LP ENV 19, LP RET 1, LP RET 6, and LP HOU 1 of the Argyll and Bute Local Plan (2009) and can be justified as a minor departure from Policy LP TRAN 6. The proposal raises no other material consideration which would justify refusal of permission.

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

Policy LP TRAN 6 requires the provision of 1 parking space for the proposed development but no off-street parking is proposed. However, the parking shortfall can be justified by the regeneration benefits of the project and the availability of parking nearby.
(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Steven Gove Date: 11/10/2013

Reviewing Officer: David Eaglesham Date: 11/10/2013

Angus Gilmour
Head of Planning and Regulatory Services
CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO: 13/01930/PP

1. The development shall be implemented in accordance with the approved drawings – Drawing No. 5453-001; Drawing No. 5453/PL1; Drawing No. 5453/PL2; Drawing No. 5453/PL3; Drawing No. 5453/PL4; Drawing No. 5453/PL5; Drawing No. 5453/PL6; and Drawing No. 5453/PL7 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.

2. Prior to the commencement of any works on the construction of the ground floor retail unit, a detailed specification of the exterior finish of the shopfront shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the retail unit shall be constructed in accordance with the approved details.

   Reason: In the interests of visual amenity and for the avoidance of doubt.

3. Prior to the commencement of any works on the construction of the flatted block, samples of the render, stone, window frames and roof covering to be used shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the flatted block shall be constructed using the approved materials.

   Reason: In the interests of visual amenity and for the avoidance of doubt.

4. No work shall commence on site (unless consent for variation is approved in writing by the planning authority) until a detailed scheme of boundary treatment(s) and surfacing for the back court area has been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the back court area shall be constructed in accordance with the approved details.

   Reason: In the interests of visual amenity and for the avoidance of doubt.

NOTES TO APPLICANT

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

2. 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.

3. 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.
ANNEX A – RELATIVE TO APPLICATION NUMBER 13/01930/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning Permission is sought for the erection of a block comprising four flats and a ground floor retail unit in the gap site overlooking Guildford Square at 15-19 Montague Street, Rothesay. Connection is to be made to public services.

The application incorporates the provision of a ground floor retail unit. The front shop area will provide 285 square metres of floor space whilst the rear shop floor unit will have a floor space of 105 square metres. This rear area is part of the existing former bakery premises. At the time of writing, no retail operator has been formally mentioned.

LP RET 1 of the Argyll and Bute Local Plan 2009 seeks to protect and enhance the vitality and viability of the defined town centres in the larger settlements of Argyll and Bute through a sequential approach to new retail development. The sequential test for new retail development ensures that first preference is given to town centre sites and, in this particular case, the site is within the defined town centre of Rothesay.

It is considered that the proposed unit will provide additional ground floor retail accommodation within the town centre of Rothesay that will protect the centre and provide greater choice within it. On this basis, the proposal is consistent with LP RET 1 of the Argyll and Bute Local Plan.

In terms of the residential element, the site is located within the settlement of Rothesay in the Argyll and Bute Local Plan. In this respect, it represents the development of an infill site between the existing blocks at 11-13 and 21-27 Montague Street.

For this reason the proposal is considered consistent with Policy STRAT DC 1 and STRAT HO 1 of the Structure Plan and Policy LP HOU 1 of the Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development (Including Impact upon Built Environment)

The site occupies a visually prominent seafront location overlooking Guildford Square, which is situated in the middle of the main town centre of Rothesay. It is understood that the previous building was demolished approximately twenty five years ago and has been a gap site for that entire period.

The site represents an opportunity for infill development in what is a part of Rothesay where the settlement pattern consists of ground floor commercial premises and upper floor flats. The main issues in respect of the proposal are the scale, massing and design of the building and its impact on the Conservation Area and adjacent Listed Buildings.

The block will be three storeys in height. An indicative shopfront of traditional proportions is shown although this might be amended in future to suit the requirements of an end user. On the upper floors, a dressed natural stone external wall finish is proposed on the front elevation and a rendered finish with dressed natural stone feature bands on the rear elevation; a natural slate roof covering; and timber sash and case windows. Having regard to the scale and massing of
the proposal and its impact on adjacent buildings (some of which are listed), it is acknowledged that the proposed building reinstates the three storey street frontage of the former building. The depth of the upper floors matches the depth of the adjacent building at 21-27 Montague Street. The proposed bay windows on the front elevation add some variety to the main facade.

The proposed materials, in accordance with the aims of the Townscape Heritage Initiative, will be of a high quality, particular on the front elevation.

On the basis of all of the foregoing, it is not considered that the proposal would have an unacceptably adverse effect upon the Rothesay Conservation Area or on the neighbouring Listed Building.

The proposal would, therefore, be consistent with Policies LP ENV 10, LP ENV 13(a), LP ENV 14, LP ENV 19 and LP RET 6 of the Argyll and Bute Local Plan 2009.

C. Road Network, Parking and Associated Transport Matters.

The application does not propose any off-street car parking. Policy LP TRAN 6 and Appendix C of the Argyll and Bute Local Plan advises on the requirements for car parking. The site is located within the town centre of Rothesay and the proposal includes the provision of two single bedroom flats and two, two-bedroomed flats. The proposed retail unit would cover a floor space of approximately 390 square metres. Having regard to the proposed accommodation and floor space to be provided, there is a requirement for one off-street parking space.

Appendix C of the Local Plan describes a variety of situations where a degree of flexibility can be exercised including:

i. It can be shown 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;

ii. The development is adjacent to, and well served by, good public transport and pedestrian links;

iii. Environmental considerations are of prime importance e.g. the development is within a Conservation Area.

In this case, all of these factors apply and, therefore, it is not considered necessary to insist upon a single off-street parking space. On this basis, the proposal is considered to be acceptable from a road safety perspective.

On the basis of the foregoing, it is considered that the proposal can be accepted as a minor departure from Policy LP TRAN 6 of the Argyll and Bute Local Plan 2009.

D. Infrastructure

It is proposed to connect to both the public water main and public sewer. Scottish Water has so far made no comment on the proposal.