

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



22 Hill Street, Dunoon, Argyll, PA23 7AP
Tel: 01369 707130 Fax: 01369 705948

28 October 2008

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in **EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY** on **TUESDAY, 4 NOVEMBER 2008** at **10:00 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. MINUTES**
 - (a) Minute of Area Committee of 6th October 2008 (Pages 1 - 6)
- 4. CORPORATE SERVICES**
 - (a) Verbal Report on Dunoon - Gourock Ferry Service
 - (b) Member Representation on Clachan Flats Windfarm Trust (Pages 7 - 8)
 - (c) Bute & Cowal Area Plan - report to follow
- 5. OPERATIONAL SERVICES**
 - (a) Revision of Capital Reconstruction Programme 2008/ 2009 (Pages 9 - 12)
 - (b) Argyll Road, Dunoon: Residents Parking (Pages 13 - 16)
- 6. PUBLIC AND COUNCILLOR QUESTION TIME**

7. DEVELOPMENT SERVICES

- (a) Outline Planning Application 08/01077/OUT, Mr Robert McSeveney, Land to the rear of Portvasgo, Cromlech Road, Sandbank (Pages 17 - 28)
- (b) Planning Application 08/01064/DET, Fyne Homes, 14-26 Russell Street (even numbers only) and 19 -23 Mill Street, Rothesay, Isle of Bute (Pages 29 - 38)
- (c) Listed Building Consent 08/01069/LIB, Fyne Homes, 14 -16 Russell Street (even numbers only) and 19 - 23 Mill Street, Rothesay, Isle of Bute (Pages 39 - 48)
- (d) Planning Application 08/01393/DET, Peter Gardner, Ground Floor Flat, 28 Crichton Road, Rothesay, Isle of Bute (Pages 49 - 56)
- (e) Listed Building Consent 08/01391/LIB, Peter Gardner, Ground Floor Flat, 28 Crichton Road, Rothesay, Isle of Bute (Pages 57 - 64)
- (f) Outline Planning Application 08/00577/OUT, Mr & Mrs Docherty, Land East of Davdison Place, North Campbell Road, Innellan (Pages 65 - 78)
- (g) Planning Application 08/01421/DET, D M Rentals, Garden Ground of 58 McArthur Street, Dunoon (Pages 79 - 90)
- (h) Delegated Development Control and Building Control Decisions (Pages 91 - 104)

8. EXEMPT ITEMS

- E1 (a) Gapsite, 7/15 Gallowgate, Rothesay (Pages 105 - 106)
- E2 (b) Proposed Grant of Servitude Right of Access (Pages 107 - 112)
- E3 (c) Enforcement Quarterly Report (Pages 113 - 132)

EXCLUSION OF THE PRESS AND PUBLIC

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

E1 – E2 - Paragraph 9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

E3 - Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

BUTE & COWAL AREA COMMITTEE

Councillor Robert Macintyre
Councillor Alister McAlister
Councillor James McQueen
Councillor Ron Simon
Councillor Dick Walsh

Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton
Councillor Len Scoullar (Vice-Chair)
Councillor Isobel Strong

Contact: Shirley MacLeod, Area Corporate Services Manager

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**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the QUEEN'S HALL,
DUNOON
on TUESDAY, 7 OCTOBER 2008**

Present: Councillor Bruce Marshall (Chair)
Councillor Alex McNaughton Councillor Isobel Strong
Councillor Alister McAlister Councillor Robert Macintyre
Councillor Ron Simon

Attending: Shirley MacLeod, Area Corporate Services Manager
David Eaglesham, Area Team Leader, Development Control
Neil McKay, Planning Manager
Charles Reppke, Head of Democratic Services and Governance
Eileen Wilson, Community Planning Manager
Alan Kerr, Network and Environment Manager
Laura Porter, Social Worker
Inspector Macdonald Stephen, Strathclyde Police

1. APOLOGIES

Apologies for absence were intimated from Councillors Scoullar, McQueen and Walsh.

The Chairman ruled and the Committee agreed, that the Vale of Leven Hospital report be taken as a matter of urgency and be dealt with as item 8 of the minute.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 2ND SEPTEMBER 2008

The Minute of the Area Committee of 2nd September 2008 was approved as a correct record.

4. PRESENTATION ON COMMUNITY PLANNING - EILEEN WILSON

Members received an informative presentation from Eileen Wilson, Community Planning Manager. A brief background and update were provided on the main aspects highlighted in the presentation, which included the Community Planning Partnership (CPP), Fairer Argyll and Bute (FAB), the Demonstration Project (DEMO) and the Third Sector Steering Group (TSSG).

Decision

1. Members noted the detail provided.

(Ref: Presentation by Community Planning Manager)

5. COMMUNITY SERVICES

(a) SOCIAL WELFARE GRANTS 2008/09

The Committee considered and determined Social Welfare Grants as follows:

	Organisation	Project Costs	Recommendation
2.1	Dunoon & Cowal Elderly Forum	£1,176	£438
2.2	Cowal Community Care Forum	£20,617	£1000
2.3	Sandbank Senior Citizens Club	£3,850	£1,600
2.4	Bute Advice Centre	£73,338	£5,231
2.5	Bute Women's Group	£3,000	£1,000
2.6	Relate Argyll	£2,560 Max allowed £1,280 (50%)	Nil (£2,780 from H&L and MAKI)
2.7	Argyll & Bute Rape Crisis	£71,000	£3,000 (£500 from OLI and £1,500 from MAKI)
	TOTAL		£12,269

(Ref: Report by Director of Community Services, submitted)

6. CORPORATE SERVICES

(a) TWINNING LINKS

The Committee considered a report which provided information regarding a formal request to re-establish the twinning link from the island of Bute to Korcula in Croatia.

Members have previously considered various twinning links between Bute and Cowal and communities within the European Union. An informal approach was made by the Mayor of Korcula, Croatia, to re invigorate the historic twinning link between the island of Bute and Korcula.

A formal request has now been made by the Mayor of Korcula, via his Consultant for International Affairs, for a delegation from Argyll and Bute Council to visit Korcula, hopefully as soon as October or November of this year, with a view to beginning formal proceedings in the re establishment of the twinning link. It is the intention of the Mayor that during the proposed visit the finer details of bilateral relations between Korcula and Bute will be discussed, and the new twinning arrangement prepared.

Decision

1. Agreed to recommend to the Executive that a delegation from Argyll and Bute visit Korcula with a view to establishing the previous twinning link between the island of Bute and the island of Korcula in Croatia, and that Members taking part in the delegation would pay their own travel costs.

(Ref: Report by Area Corporate Services Manager, submitted)

(b) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE

The Committee heard a verbal report highlighting that this issue has been discussed at previous Area Committee meetings. A tripartite meeting was held on 26 September, following which Councillor Walsh has now written to the new Commissioner asking that he consider allowing a European official to work directly with the tripartite group in progressing this matter within European Union rules.

Decision

1. Agreed to note the contents of the verbal report.

(Ref: Verbal report by Area Corporate Services Manager)

7. PUBLIC AND COUNCILLOR QUESTION TIME

Councillor Marshall asked what policing issues are currently prevalent in Bute. Inspector Stephen highlighted attracting and retaining officers is an increasing problem. There will be two recruitment days held to attempt to combat this problem, the first being held in Dunoon on 13 October and second in Bute on 14 October.

The Chief Inspector is endeavouring to raise awareness of where policing team are located by establishing Community Policing Teams. This project is currently at an early stage.

Inspector Stephen intimated that a local contact phone number will again be available to the public, allowing them to contact their local police station. A website offering information will be made available, along with an email address for those not requiring an immediate response.

The Councillors questioned Alan Kerr on roads issues, including the length of time being taken to complete resurfacing, the residue remaining on the roads after excess rain fall and the apparent lack of manpower. It was agreed a report be provided to the October business meeting by the Head of Service regarding capital and work programmes.

Anne Gabriel of Dunoon Community Council asked if the Christmas lights would be on this year. Councillor Marshall confirmed this to be the case with the switch-on ceremony being held on 26 November.

Anne Gabriel highlighted the issue of waste being dumped at the corner of Queen Street and Milton Road. After much discussion it was agreed to pass this

information to the Environmental Warden to ascertain who owns the land.

8. DEVELOPMENT SERVICES

- (a) **PLANNING APPLICATION 08/01064/DET, FYNE HOMES, 14-26 RUSSELL STREET (EVEN NUMBERS ONLY) AND 19 -23 MILL STREET, ROTHESAY, ISLE OF BUTE**

Decision

The planning application be continued to the Area Committee on 4 November 2008 to allow Members a site familiarisation visit and the Planning Manager to provide information on relevant insulation expenses. Agreed to invite Conservation Officer to attend the site visit.

(Ref: Report by Head of Planning, dated 26 September 2008, submitted)

- (b) **LISTED BUILDING CONSENT 08/01069/LIB, FYNE HOMES, 14 -16 RUSSELL STREET (EVEN NUMBERS ONLY) AND 19 - 23 MILL STREET, ROTHESAY, ISLE OF BUTE**

Decision

The planning application be continued to the Area Committee on 4 November 2008 to allow Members a site familiarisation visit and the Planning Manager to provide information on relevant insulation expenses. Agreed to invite Conservation Officer to attend the site visit.

(Ref: Report by Head of Planning, dated 26 September 2008, submitted)

- (c) **OUTLINE PLANNING APPLICATION 08/01077/OUT, MR ROBERT MCSEVENEY, LAND TO THE REAR OF PORTVASGO, CROMLECH ROAD, SANDBANK**

Decision

The outline planning application be continued to allow Members a site familiarisation visit.

(Ref: Report by Head of Planning, dated 26 September 2008, submitted)

- (d) **PLANNING APPLICATION 08/01393/DET, PETER GARDNER, GROUND FLOOR FLAT, 28 CRICHTON ROAD, ROTHESAY, ISLE OF BUTE**

Decision

The planning application be continued to the Area Committee on 4 November 2008 to allow Members to seek advice from officials regarding competent motions.

(Ref: Report by Head of Planning, dated 26 September 2008, submitted)

- (e) **LISTED BUILDING CONSENT 08/01391/LIB, PETER GARDNER, GROUND FLOOR FLAT, 28 CRICHTON ROAD, ROTHESAY, ISLE OF BUTE**

Decision

The listed building consent be continued to the Area Committee on 4 November 2008 to allow Members to seek advice from officials regarding competent motions.

(Ref: Report by Head of Planning, dated 26 September 2008, submitted)

- (f) **DELEGATED DEVELOPMENT CONTROL AND BUILDING CONTROL DECISIONS**

The Committee noted the Delegated Development Control and Building Control Decisions made since the last meeting.

9. VALE OF LEVEN HOSPITAL REPORT

The Committee considered a report which provided them with an opportunity to make submissions to the Social Affairs PPG on the NHS Greater Glasgow and Clyde "Visions for the Vale of Leven Hospital" pre consultation document.

Decision

1. The Committee agreed the Motion with the additional issue of the concern regarding the distance required to be travelled for treatment as a patient and also for those visiting being highlighted as issues to be raised in support of the submission to be made by the Council.

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following two items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 9; and 13 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

10 (a) MARKET RATES

The Committee considered a report which detailed the charges levied per car park space used by Scorpion Market Operator for the Weekly Market at the Coal Pier.

Decision

1. The Committee agreed the recommendation in the report.

(Ref: Report by Network and Environment Manager, submitted)

10 (b) ENFORCEMENT REPORT

Decision

Enforcement Report: 08/00288/ENOTH1: That in terms of the recommendations from the Head of Planning no further action be taken in this matter.

**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
4th November 2007**

APPOINTMENT TO CLACHAN FLATS WIND FARM TRUST

1. SUMMARY

The purpose of this report is for Members to consider the appointment of a local Member to the Clachan Flats Wind Farm Trust.

2. RECOMMENDATIONS

2.1 Members are asked to agree the appointment of one of the elected Members for Ward 6, Cowal, to the newly formed Clachan Flats Wind Farm Trust.

3. DETAIL

3.1 Members will recall that one of the conditions attached to the planning consent granted for the Clachan Flats Wind Farm (application number 02/00953/DET) was the creation of Community Trusts to administer the funds payable to local communities by the power company. In the case of this particular wind farm the fund payable by the power company is split 5:4 between the Bute and Cowal and Mid Argyll, Kintyre and the Islands areas.

3.2 Members will further recall that in November 2007, the Bute and Cowal Area Committee agreed that payments of such funds should be made to local Community Trusts to undertake the role of receiving requests for financial assistance from local groups and determining these in accordance with agreed criteria, with such Community Trusts reporting annually to the Area Committee on their expenditure.

3.3 Members further agreed that where Community Trusts are established this will be along the lines of the Cruach Mhor Trust, as an independent Trust at arms length from the Council, and that the question of which Councillors would serve on that Trust be determined by the Area Committee.

- 3.4 The Clachan Flats Wind Farm Trust is now being put in place. The make up of the Trust will comprise:
- 1 Representative from Scottish Power Renewables;
 - 1 Elected Member for Ward 6 (Cowal) of Argyll and Bute Council;
 - 2 Representatives from Cairndow Community Council ; and
 - 1 Locally elected member of the community who is not an employee of Scottish Power Renewables or the Council.
- 3.5 Members are therefore asked to agree the nomination of one of the Elected Members for Ward 6, Cowal, to serve on the Clachan Flats Wind Farm Trust, such appointment to be for the remaining term of office of that elected Member for the Cowal Ward, ie until the next local government election date.

4. IMPLICATIONS

Policy:	This is in keeping with the Council's commitment to work in partnership with other agencies and organisations within the Bute and Cowal area.
Financial	The Council will incur costs for Members participating in the these meetings
Personnel:	None
Equal Opportunities:	None

For further information contact: Shirley MacLeod, Area Corporate Services Manager

Telephone: 01369 707130

20th October 2008

ARGYLL & BUTE COUNCIL**BUTE & COWAL AREA COMMITTEE****OPERATIONAL SERVICES****6th November 2008**

CAPITAL RECONSTRUCTION PROGRAMME 2008 / 2009 Revision 1

1. SUMMARY

This report provides information on the revision of the Roads Capital Budget in the Bute & Cowal Area during 2008/9.

2. RECOMMENDATIONS

Members are asked to note and approve the proposed revision to the schemes as identified in Appendix A .

3. BACKGROUND

3.1 It is proposed to postpone the UC 24 Eccles Road resurfacing scheme valued at £57113 on the grounds that the Planning Department have advised that reconstruction of the Renfield Residential Home is due to start after the construction of Ashgrove Home Kirn i.e. within the next 12 months. Access for construction traffic to the site would be along Eccles Road. In addition a recent development of six houses at the end of Eccles Road is incomplete in respect of the road construction, which should generate further construction traffic. Eccles Road is currently in a poor condition but could be maintained in a safe condition for the next 1 to 2 years through routine maintenance.

3.2 The foregoing £53300 would be allocated to the A885 High Road Sandbank scheme which has developed from the initial proposal, to include replacement street lighting and footway resurfacing (both sides) up to the Primary School. The revised allocation for this scheme would be the original £127500 +£53300; a total of £180800. (Street Lighting funded separately)
This scheme extending from Rankin's Brae (A815 junction) to Highland Ave (Industrial Estate) would provide new street lighting and resurfaced road and footways in a single operation which should enhance the village appearance and address many of the longstanding and justified complaints from elected members and the Community Council.

3.3 Eccles Road would be funded from the Capital Reconstruction budget in future years, following the completion of the development construction works.

4. IMPLICATIONS

4.1 Financial – None

4.2 Personnel - None.

4.3 Equalities Impact assessment - None.

4.4 Legal – None

For further information Contact

Graham Brown, Operations Manager, Manse Brae, Lochgilphead tel 01546 604687

APPENDIX A

Capital resurface sites COWAL		B&C 2008/09		£484,000		£484,000	
Route Number	Route Name	Section	Length (m)	Area (m ²)	Work Required	Estimate	Note
B8041	Queen Street	East Co-op Exit to 88 Queen St	215	1350	Plane out, adjust ironwork, resurface	£26,600	
B8041	Queen Street	88 Queen St to Alexandra Parade	400	2220	Plane out, adjust ironwork, resurface	£55,200	
A885	High Road	Cowal Cemetery to Rankins Brae	1050	6300	Plane out, adjust ironwork, resurface	£180,800	Includes footway reconstruction
A815	Strachur to St Catherines	Strachur to St Catherines	500	3000	Edge Strengthen & resurface	£91,500	Commencing 3 Nov 2008
UC24	Eccles Road	Full length including Renfield Brae	470	2400	Plane out, adjust ironwork, resurface	£0	Postponed due to development works

Cowal total £354,100

BUTE		Bute total		£129,900			
Route Number	Route Name	Section	Length (m)	Area (m ²)	Work Required	Estimate	Note
UC04	Straad road	A844 to road end	950	3800	Regulate, resurface	£90,900	Completed
UC04	Ardmory Road	Turning Area			new construction of turning area	£25,000	construction ongoing
UC10	Ardmaleish Road	A886 towards Boat Yard	150	750	Regulate, resurface	£14,000	

COWAL AND BUTE TOTAL £484,000

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Argyll & Bute Council

Bute & Cowal Area Committee

**Operational Services
Roads & Amenity Services**

4 November 2008

Argyll Road, Dunoon: Residents Parking

1. SUMMARY

1.1 This report advises that there have been parking problems relating to residential parking on Argyll Road, Dunoon.

2. RECOMMENDATIONS

2.1 That the Area Committee approves that resources are allocated to promote a residential permit parking scheme.

3. BACKGROUND

3.1 The issued raised is that with the change from Argyll and Bute Council Housing to Argyll Community Housing Association there have been ongoing parking difficulties for residents of Argyll Road which require to be formalised by a traffic regulation order.

4. DETAIL

4.1 A residential parking scheme will be developed requiring residents to pay the permit fee which is currently £75.

4.2 This will depend on consultation however it is anticipated that permit priority would be given to residents whose address is located from 119 to 163 Argyll Road.

4.3 The proposed area affected is located between numbers 135 and 145 Argyll Road.

5. CONCLUSION

5.1 This proposal should it be approved following consultation will enable a formalised parking regime to be produced that will give priority to permit holders.

5. IMPLICATIONS

Policy:	None.
Financial:	None.
Personnel:	Staff time
Equalities Impact Assessment:	None
Legal:	Appropriate legislation must be followed.

For further information contact Alan Kerr (01436 658877)

Stewart Turner
Head of Roads & Amenity Services
23 October 2008



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Reference Number: 08/01077/OUT
 Applicants Name: Mr. Robert McSeveney
 Application Type: Outline
 Application Description: Erection of dwellinghouse and alterations to vehicular access.
 Location: Land to the rear of Portvasgo, Cromlech Road, Sandbank, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of detached dwellinghouse (indicative footprint only);
- Alterations and extension to existing vehicular access with provision for turning area and car parking spaces;

(ii) Other specified operations.

- Connection to public water supply and waste water network;
-

(B) RECOMMENDATION

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Sandbank/Arndadam and covered primarily by policies HO8 'Infill, Rounding-Off and Redevelopment' and BE9 'Layout and Design of Urban Development'. In the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), the application site is located within the small town and village settlement of Sandbank, covered primarily by policies LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development'.

The proposal is considered contrary to the Cowal Local Plan in respect of the erection of a dwellinghouse to the rear of the applicant's dwellinghouse Portvasgo and behind the established building line on Cromlech Road. Such a back-land or tandem development could not be regarded as appropriate infill development that would also be contrary to the settlement pattern and result in a loss of privacy and amenity to the existing dwellinghouse.

The proposal is contrary to both the Argyll and Bute Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan since the dwellinghouse proposed cannot be regarded as appropriate infill development as the development is considered to result in unacceptable back-land development that would not be consistent with the immediate settlement pattern and would result in a loss of privacy and amenity to adjacent residential dwellings in addition to potentially prejudicing an area of land to the rear of the site that may be capable of future development.

Furthermore, the siting of a dwellinghouse in this location in close proximity to lawful existing 'bad neighbour' type storage and distribution uses at Ellangowan Farm could lead to significant residential amenity issues in respect of noise, odour, smoke, safety etc. and would result in a 'bad neighbour in reverse' situation. This is supported by Public Protection who recommend refusal on similar grounds.

Detailed planning permission (submitted by the same applicant) for a large detached one-and-a-half storey dwellinghouse was refused in November 2004 on the grounds of unacceptable tandem development, loss of amenity and privacy for *Portvasgo*, proximity to an existing 'bad neighbour' use and prejudicing land to the rear for future development. Since that time, the only significant change to the circumstances surrounding this proposal has been the emergence of the Argyll and Bute Local

Plan that further seeks to protect existing residential areas from unacceptable tandem or back-land development, clearly identifies the issues concerning bad neighbour in reverse scenarios and retains the field to the rear within the settlement boundary.

Given all of the above, it is considered that the proposed development does not differ significantly from that previously refused in November 2004, is inconsistent with the immediate settlement pattern, does not constitute appropriate infill development but promotes unacceptable tandem or back-land development that would have adverse impacts on neighbouring properties, and sited adjacent to a lawful 'bad neighbour use, that collectively would be contrary to policies contained in the Argyll and Bute Structure Plan, Argyll and Bute Modified Finalised Draft Local Plan and National Guidance.

(ii) Representations:

No letter of representation has been received.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Not required.

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

Not applicable. The application is recommended for refusal.

(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, the application is recommended for refusal.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
26 September 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 15th September 2008
Date: 25th September 2008

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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01077/OUT

1. Having regard to the character of the existing settlement pattern, that comprises frontage or single tier development along *Cromlech Road*, the proposed dwellinghouse would not complement, but be at variance with the character of the immediate settlement pattern. The siting of a dwellinghouse to the rear of the existing dwellinghouse would constitute "*tandem development or back-land development*", resulting in both a poor standard of amenity for the existing dwellinghouse *Portvasgo*, and the proposed dwellinghouse. Additionally, the proposed development would remove meaningful private rear amenity space from the existing dwellinghouse at *Portvasgo*, thereby diminishing the amenity, privacy and outlook that the occupants could reasonably expect to enjoy.

Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to: Scottish Planning Policy SPP1 "The Planning System"; SPP 3 'Planning for Housing'; Planning Advice Note 67 - 'Housing Quality'; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed.

2. Given the existing lawful use of the adjacent Class 6 activities within the curtilage of *Ellangowan* i.e. LPG bottled gas storage compound and other commercial storage or distribution uses, a dwellinghouse located immediately adjacent to such a complex would result in a poor standard of amenity, given the range of uses which could be carried out without the benefit of planning permission, resulting in disturbance generated by noise, smell and activities associated with such uses. Accordingly, the development would be contrary to SPP 3 'Planning for Housing'; PAN 56 "*Planning and Noise*", and Policy LP BAD 2 '*Bad Neighbour in Reverse*' of the Argyll and Bute Modified Finalised Draft Local Plan, which comment that:

"Not all sites will be capable of providing good residential environments, mainly because of safety or amenity considerations. Safety exclusion zones around hazardous installations and sites adjacent to noisy or polluting activities are unlikely to be appropriate (para 41). (SPP 3 'Planning for Housing')

"The juxtaposition of incompatible uses can cause problems for the occupiers of both the new and existing development. For example, where a residential development is proposed in the vicinity of existing industrial uses, the expectations of new residents may exceed the standards applied by the planning authority and which may give rise to local pressure to curtail the existing use. Planning authorities should therefore, try as a matter of good practice to keep a suitable distance between noise sensitive development and established businesses that generate noise."

(para 46) (Planning Advice Note 56 - 'Planning and Noise')

"a presumption against proposals that will introduce new incompatible development and associated uses into or adjacent to areas already containing developments classed as 'Bad Neighbours'. The amenity of such a new residential use would not be as high as reasonably would be anticipated and could will result in complaints of noise and general disturbance complaints or related issues in the future if permitted. The 'bad neighbour' policy in reverse seeks to prohibit such potential conflicts for the future". (Policy LP BAD2 of the Argyll and Bute Modified Finalised Draft Local Plan)

3. The indicative siting of the proposed dwellinghouse, with a principal aspect facing across the site in a southerly and westerly direction, could prejudice, due to direct overlooking, part of land within the immediate area which is identified within the settlement boundary of Sandbank including Ardnadam with potential for future development.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01077/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002

STRAT SI 1 ‘*Sustainable Development*’ includes policies to conserve the built environment and respect the landscape character of an area and the setting and character of settlements..

STRAT DC 1 ‘*Development Within The Settlements*’ encourages appropriate infill, rounding off and redevelopment sites. Developments which do not accord with this policy are those which are essentially incompatible with the close configuration of land uses found in settlements e.g. settlement cramming or inappropriate rounding off on the edge of settlements.

STRAT HO1 – ‘*Housing – Development Control Policy*’ : c) Outwith formally allocated housing sites, appropriate forms and scales of housing infill, rounding off and redevelopment will be encouraged within settlements where it is consistent with STRAT DC1-10; and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

The above policies are developed further in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006.

(b) Cowal Local Plan 1993 (adopted 1995)

The application site is located within the settlement of Sandbank/Ardnadam.

Policy POL HO8: ‘*Infill, Rounding-Off and Redevelopment*’ where infill, rounding-off and redevelopment will be encouraged related to the built form. Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications, Those considered to have an adverse visual or environmental impact will normally be resisted.

Policy BE9 ‘*Layout and Design of Urban Development*’ where the Council will seek to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council’s design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.

(c) Argyll and Bute Local Plan (Modified Finalised Draft) June 2006

In the Argyll and Bute Modified Finalised Draft Local Plan June 2006 the site is located within the small town and village settlement of Sandbank (including Ardnadam). The field to the south of the application site was previously identified within the Consultative Draft Plan as a Potential Development Area (ref. PDA 2/19). However, this PDA status was removed in the Modified Finalised Draft Local Plan where the field is now identified within the settlement zone and subject to policies including LP ENV19 and LP HOU 1.

Policy LP ENV 19 ‘*Development Setting, Layout & Design*’ sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (*Design of New Housing in Settlements, Sustainable Siting and Design Principles*). Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites will be resisted.

Policy LP HOU1 – ‘*General Housing Development*’ states a general presumption of favour of housing within settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both Structure and Local Plan.

Policy LP BAD 2 ‘*Bad Neighbour Development In Reverse*’ states a general presumption against proposals that will introduce new incompatible development and associated land uses into or adjacent to, areas already containing developments classified as “Bad Neighbour” Developments. This policy seeks not to prejudice the operational integrity of safeguarded land use and operations. For example, new residential development can expect to be refused if the proposal is located in close proximity to an industrial process plant.

Policy LP TRAN 4 ‘*New and Existing, Public Roads and Private Access Regimes*’ sets out requirements for development in respect of private access regimes.

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

(d) Scottish Government Advice

- a) Scottish Planning Policy SPP1 “The Planning System”; *One of the goals of SPP1 includes the promotion of ‘sustainable development’. “The planning system guides the future development and use of land in towns in the long term public interest. The aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development”....The architectural design, siting and setting of development in its surroundings are valid concerns of the planning system”.*
- b) Scottish Planning Policy SPP3 “Planning for Housing”: *“Working with architects and landscape architects, developers should aim to produce schemes which enrich the built environment. They should pay careful attention to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, and the characteristics of local design, adjacent buildings and the surrounding area. Developers may set out their approach on these matters in a design statement as supporting material for a planning application (para 11)..... Planning authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas. Care should be taken that the individual and cumulative effects of infill can be sustained by the social and economic infrastructure and do not lead to over-development. These principles apply equally to development in the gardens or grounds of existing houses or on back-land sites in urban, suburban or village locations (para 34).....not all sites will be capable of providing good residential environments, mainly because of safety or amenity considerations. Safety exclusion zones around hazardous installations and sites adjacent to noisy or polluting activities are unlikely to be appropriate (para 41).*
- c) Planning Advice Note 67 - ‘Housing Quality’ advise that, *“the design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area. The combination of layout of buildings, streets and spaces should create local identity, and contribute positively to the character of towns and villages”.* Furthermore, *“new housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural and built features..”.*
- d) Planning Advice Note 56 “Planning and Noise” – *Advises that Planning Authorities should, try as a matter of good practice to keep a suitable distance between noise sensitive development and established businesses that generate noise.*
- e) Planning Advice Note 68 – ‘Design Statements’; *Local authorities should encourage applicants to consider how increased value, and sustainability, can result from good design. The submission of a design statement allows officials to see the extent of analysis, as well as the quality of thought, time and effort which has been dedicated to developing the scheme...Design is a material consideration in determining planning applications. Councils may refuse an application, and defend their decision at appeal, solely on design grounds.*
- f) ‘A Policy Statement for Scotland - Designing Places’; *Good design creates places that work..... good design is a key to achieving social, economic and environmental goals of public policy.....sometimes the costs of a poorly designed development falls on people other than those who commissioned, designed or built it.*

(ii) SITE HISTORY

Detailed permission (98/00444/DET) was granted in 1998 for the erection of a dwellinghouse now known as *Portvasgo* and the home of the applicant. This dwellinghouse conformed to the established existing building line and settlement pattern in this part of *Cromlech Road*.

A detailed application (04/01376/DET) for the erection of a one-and-a-half-storey dwellinghouse was refused in November 2004 on grounds of unacceptable tandem development, loss of amenity and privacy for *Portvasgo*, proximity to a ‘Bad Neighbour’ use and prejudicing land to the rear for future development.

Related History

The adjacent buildings at ‘*Ellangowan*’ were historically in use as a farm and a piggery and previously owned by the applicant. Over the years, these buildings have been used for a number of commercial and storage or distribution uses i.e. lock-ups, storage, calor gas storage for West Highland Gas Ltd. etc. An application to change the use of agricultural land to a LPG bottled gas storage compound (ref.01-89/0510-COU) was approved retrospectively on 2nd August 1989 for part of the south eastern corner of that site. A further consent (ref. 01-93-0183) was granted on 2nd July 1993 for an extension to the existing gas storage compound.

An application by the applicant (ref 01-95-0122) for the erection of two dwellinghouses in front of and east of *Ellangowan*, was refused on 11th May 1995.

(iii) CONSULTATIONS

Public Protection (response dated 10th September 2008): Recommend refusal as there is considerable potential for noise and odour nuisance to the occupants of the proposed dwelling caused by the legitimate use of the adjacent site at Ellangowan.

Area Roads Manager (response dated 10th July 2008): No objections subject to conditions regarding design of access and provision of car parking and turning areas to serve both existing and proposed dwelling. Advisory Note regarding a Road Opening Permit.

Scottish Water (response dated 30th June 2008): Advisory comments. Potential waste water network capacity issues could only be resolved at the detailed stage. A totally separate surface water drainage system will be required.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a potential departure from Policy HO8 of the Cowal Local Plan (expiry date 8th August 2008). Under Article 9 Certification, no letter of representation has been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicants' agent confirms that he was the original agent for the dwellinghouse Portvasgo but was not involved in the scheme that was refused in 2004. He acknowledges that the previous reasons for refusal (such as interlocking, overlooking and the presence of bad neighbour environmental impact) cannot be that different to what must have been applicable for the approved application at Portvasgo. Interlocking and/or overlooking in respect of Portvasgo, Ellangowan and land within the immediate area identified as a Potential Development Area can be addressed by sensitive design, orientation, additional screening and screen planting conditions that his client is willing to accept.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01077/OUT

A. Settlement Strategy

In the adopted Cowal Local Plan, the application site is located within the settlement of Sandbank/Ardnadam to the rear of an existing dwellinghouse *Portvasgo* that is set back slightly from the established building line along the southern side of Cromlech Road. The site for the proposed dwellinghouse is adjacent to former farm buildings to the rear of Ellangowan, currently used for commercial and storage/distribution purposes. Adopted Local Plan policies (HO8 and BE9) encourage development related to the built form where issues such as privacy, light, parking and access should all be satisfactorily addressed.

Policies contained in the Structure Plan (policies STRAT DC1 and HO1) and Argyll and Bute Modified Finalised Draft Local Plan (policy LP ENV19 and LP HOU1) allow for appropriate infill, rounding-off and redevelopment within settlement zones. Given the siting and scale of the proposed dwellinghouse in relation to the existing house *Portvasgo* and existing settlement character of dwellings fronting Cromlech Road, it is considered that the proposal would be at odds with the existing settlement character and constitute unacceptable 'tandem development' that would result in a loss of privacy for the existing dwellinghouse *Portvasgo*, contrary to the settlement pattern.

Furthermore, given the existing lawful use of the adjacent storage and distribution activities (Class 6) within the curtilage of *Ellangowan* i.e. LPG bottled gas storage compound for West Highland Gas Ltd, and other commercial and storage or distribution uses, a dwellinghouse located in such close proximity would result in a poor standard of amenity, given the range of uses which could be carried out without the benefit of planning permission. Policy LP BAD 2 'Bad Neighbour in Reverse' states a presumption against proposals that will introduce new incompatible development and associated uses into or adjacent to areas already containing developments classed as 'Bad Neighbours'. The amenity of such a new residential use would not be as high as reasonably would be anticipated and could well result in complaints of noise and general disturbance or related issues in the future if permitted. The '*bad neighbour*' policy in reverse seeks to prohibit such potential conflicts for the future. This view is supported by Public Protection who have recommended refusal based on the fact that the boundary of the proposed premises is shared with that of a site that has unrestricted Class 6 storage or distribution activities including that of an LPG bottled gas storage compound. A dwelling located immediately adjacent to such a site would potentially result in a poor standard of amenity as a large number of activities could legitimately be carried out at the site which could cause noise and odour disturbances. This is a situation that is advised against in PAN 56 on 'Planning and Noise'.

Given the existing settlement pattern, and proximity to these commercial and storage/distribution uses, the department would not wish to encourage residential development where the amenity of prospective residents could be seriously compromised by the nature, range of activities and hazards associated with lawful Class 6 uses adjacent.

Since the proposal cannot be regarded as appropriate infill, rounding-off or redevelopment, and result in unacceptable 'tandem development' with loss of privacy and amenity to the existing dwellinghouse, it would be contrary to policy POL HO8 and POL BE9 of the adopted Cowal Local Plan, policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan and Policy LP HOU 1 of the Argyll and Bute Modified Finalised Draft Local Plan. Additionally, the siting of a dwellinghouse in close proximity to an existing 'bad neighbour' use would be contrary to policy LP BAD2 of the Argyll and Bute Modified Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site comprises an area of undeveloped maintained grass (formerly used as tennis courts), located to the rear of the applicant's dwellinghouse '*Portvasgo*' on Cromlech Road. The application site is bounded to the south and west by a field, and by former agricultural buildings now in use for commercial and industrial uses as part of the former farmsteading *Ellangowan* immediately to the east. The application site has been maintained by the applicant as a flat-grassed area of open space, which contains shrubs and a mature tree on the western boundary.

Only an indicative footprint has been submitted at this stage but this depicts a similar footprint to *Portvasgo*, a large 'T' shaped bungalow (recently built in 1999) that fronts and is accessed from *Cromlech Road*. It is proposed to mirror *Portvasgo* by siting a dwellinghouse on the former tennis court to the rear at a distance of 18 metres. Development Plan Policies encourage rounding-off related to the built form but in this instance '*back-land or tandem development*' is proposed. Adopted Local Plan Policy BE9 requires a high standard of layout for new developments, more recently reinforced by policies LP ENV19 and HOU1 of the emerging

Local Plan, which re-iterate that developments shall be sited and positioned as to pay regard to the context within which it is located and be consistent with settlement character.

The ample private amenity areas associated with the existing dwellinghouse *Portvasgo*, would be significantly reduced with the proposed widened vehicular access running past the front elevation of this dwelling which has a living room window and a bedroom window located at 4 metres and 5 metres respectively from the proposed access to the new dwellinghouse. Should permission be granted, the existing single vehicular and pedestrian access would then be utilised to serve two dwellings with associated vehicular, pedestrian, visitor and delivery traffic movements all taking place immediately in front of the principal elevation of *Portvasgo*. Existing vehicle turning areas would be reduced by the widened and extended access. Existing rear curtilage amenity space and aspect to *Portvasgo* would be significantly reduced by the introduction of a new dwellinghouse in this location.

The side curtilage of *Portvasgo*, which includes a garden shed, greenhouse, sitting out area, rockeries planters, shrubs and trees would effectively be 'split' by the proposed shared access. In terms of good design standards, the principle of taking a proposed access through, and splitting an existing residential curtilage would not, and should not be encouraged.

The positioning of the proposed dwellinghouse has its (indicative) principal elevation looking out over undeveloped land to the west to the rear of the adjacent property "*Staffa*". This area of land was previously in the Argyll and Bute Local Plan (Consultative Draft) as a *Potential Development Area*, but has since been removed and is now included within the settlement zone. Discussions have taken place as to development of this site but this is dependant on a means of access into this large site. Whilst only little weight can be given to the potential development of this area for residential purposes, the siting and orientation of the proposed dwellinghouse, whilst not completely prejudicing the potential future development on this area of undeveloped land, would inhibit a good standard of layout and privacy and amenity on part of the site.

Additionally, there will always be examples within the wider environs of '*back-land or tandem development*', but such examples should not be used as a precedent, otherwise the standard of residential layouts will continue to remain poor. Having regard to the character of the area, if approved, it is not difficult to envisage other residential properties elsewhere along this part of *Cromlech Road* seeking to pursue the same option. Development Plan Policies would not promote such a poor layout, where other means of access to the site, rather than the most convenient, should be explored.

(ii) Development Layout

Only an indicative footprint has been submitted at this stage but this appears to mirror *Portvasgo* as a large 'T' shaped dwellinghouse with gabled pitched roofs. The proposed dwellinghouse would be sited approximately 18 metres away from the existing dwellinghouse *Portvasgo*, and approximately 9 metres from one of the 'storage' sheds at Ellangowan.

The existing vehicular access serving *Portvasgo* would be widened to 5.5 metres that would also serve the proposed dwellinghouse. An indicative car parking and turning area is shown adjacent to the access.

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) where a high standard of appropriate design is expected in accordance with the Council's design principles set out in Appendix A. Development layout and density shall effectively integrate with the urban setting of the development. Developments with poor quality or inappropriate layouts including over-development and over-shadowing of sites will be resisted. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of 'Design of New Housing in Settlement Zones', compatibility with existing nearby development and ensuring a positive contribution to the townscape of the area will be important factors in the Council's general requirement for a high standard of design should take the following advice into account:

Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements'

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise.

4.2 As a general principle all new proposals should be designed taking the following into account:

- *Location: new housing must reflect or recreate the traditional settlement pattern or built form and be sympathetic to the setting of landmarks, historical features or views of the local landscape.*

It is considered that the proposed development does not reflect the existing adjacent settlement pattern but promotes unacceptable tandem or back-land development in addition to creating a residential use adjacent to an existing lawful '*bad neighbour*' development at Ellangowan. The siting of the proposed dwellinghouse behind the established building line would be at odds with adjacent dwellings, in particular of adjacent dwellinghouses on Cromlech Road.

- *Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*

The indicative footprint of the proposed dwellinghouse seeks to replicate the existing dwellinghouse Portvasgo that does not reflect the local character and the particular siting of dwellings on Cromlech Road. The proposed dwellinghouse and its access would result in diminished levels of privacy for the existing dwellinghouse in addition to potentially prejudicing an area of land to the south and west.

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

The Area Roads Engineer has expressed no objection but this is based on the ability to provide car parking and turning areas to serve both existing and proposed dwellinghouses. From the plot sizes, this would appear achievable. It is however the intensification and extension of the existing access to serve a back-land property that will result in a loss of privacy for occupants of the existing dwellinghouse.

- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq m); semidetached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.*

It is considered that the proposed plot has sufficient amenity space although the siting of an additional dwellinghouse to the rear of *Portvasgo* could give rise to privacy issues from activities within such amenity areas. The proposed dwellinghouse would not exceed prescribed plot density.

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

Scottish Water have no objection to the provision of a water supply to serve the development but comment that there may be capacity issues that can only be resolved at a detailed stage.

- *Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.*

No design details have been provided at this stage other than an indicative footprint and supporting statement from the agent. It would appear that the indicative footprint proposes a building of similar scale and layout to *Portvasgo*.

In terms of 'Back-land Development 11.1-11.3', *back-land development is described as new development behind a row or group of buildings and normally accessed by a separate access. Back-land development needs to take account of the existing settlement character and requires to be designed to maintain the privacy and amenity of the original property while allowing for an appropriate and safe vehicular and pedestrian access. Planning applications for back-land sites should include details that clearly indicate the siting, aspect, and height of the building and proposed and existing accesses.*

It is considered that the proposed development does not respect the existing settlement character, shares and intensifies an existing access with significant impact on the existing dwellinghouse in terms of privacy and visual amenity. While an indicative footprint is shown, no design or height of the building has been submitted at this outline stage. Permission was previously refused for a large one-and-a-half storey dwellinghouse in a similar position.

The proposal would therefore be contrary to Policy LP ENV 19 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) in respect of a proposed dwellinghouse that does not pay due regard to the existing settlement character and design, siting and proximity of adjacent dwellings and their amenity spaces. Development of this back-land could lead to potential problems of overlooking, loss of privacy and visual dominance by virtue of inappropriate scale, design and siting.

C. Road Network, Parking and Associated Transport Matters

The application site would be accessed by extending and widening the existing vehicular access serving *Portvasgo*, from Cromlech Road. Three car parking spaces will be provided within the curtilage and the existing 1200mm high timber fence would remain along the northern boundary. Roads also require a system of surface water drainage and note that a Road Opening Permit (S56) will be required.

On the basis of the above, the proposal is considered consistent with the provisions of Policies LP TRAN 4 and TRAN 6 in respect of access and car parking provision.

D. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water have no objection in principle to the provision of a water supply to serve the development but comment that there may be capacity issues that can only be resolved at a detailed stage. Whilst no details have been submitted at this stage, full details of a separate surface water drainage scheme for the proposed development and the private lane could be addressed by condition.

On the basis of the above, the proposal is considered consistent with the provisions of Policy POL PU 1 of the Cowal Local Plan 1993 and Policies SERV1 and SERV2 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006).

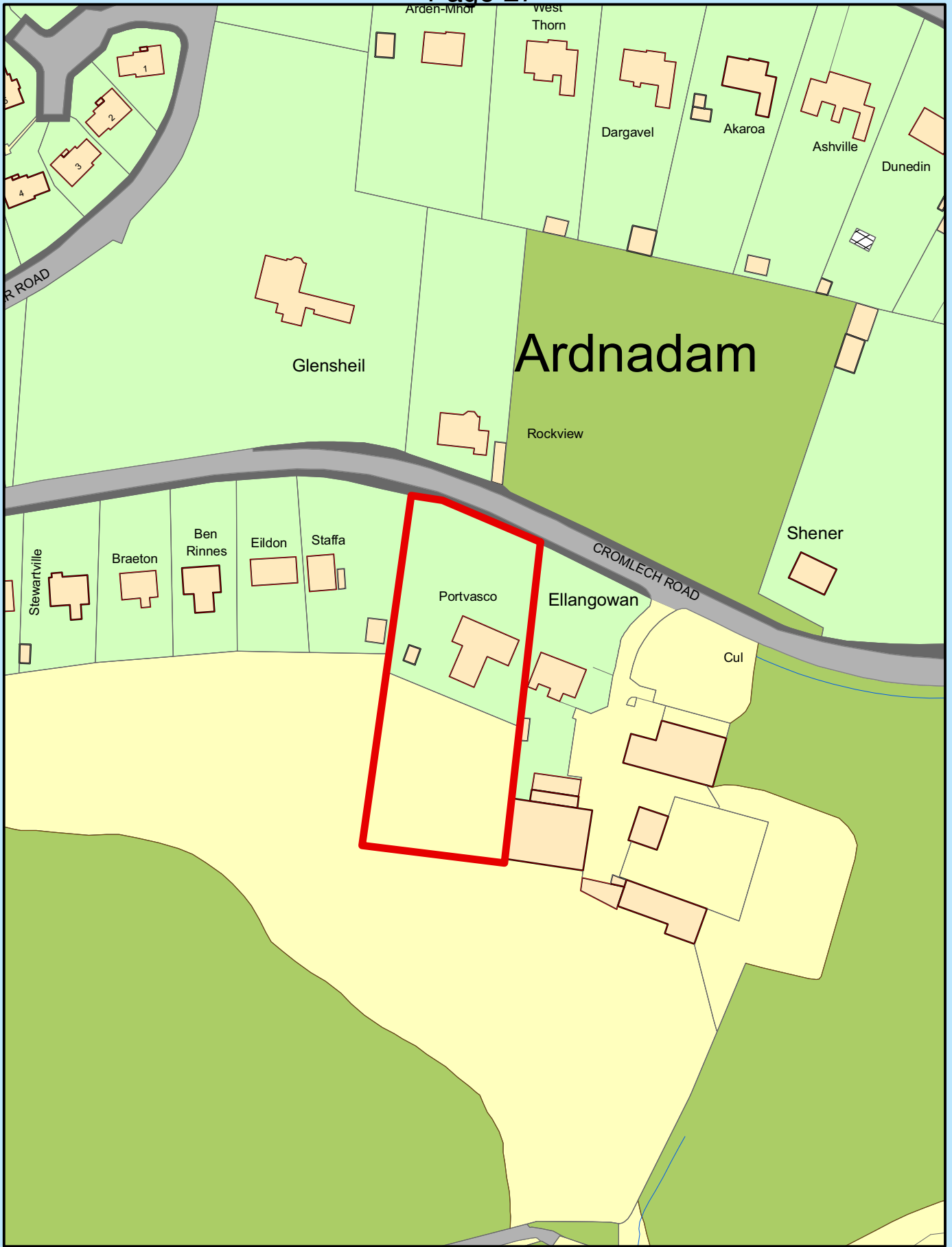
CONCLUSION

Development of this 'back-land' site for a dwellinghouse would result in an unacceptable '*tandem*' development in this part of Cromlech Road. The proposal to erect a dwellinghouse within the curtilage of the existing dwellinghouse *Portvasgo* at *Cromlech Road* would be at odds with the character of the established settlement pattern of the area that comprises frontage or single tier development. The resultant "*tandem or back-land development*" would result in both a poor standard of amenity loss of meaningful curtilage, private amenity space and aspect for the existing dwellinghouse *Portvasgo*.

Additionally, the siting of the proposed dwellinghouse immediately adjacent to existing commercial and storage or distribution uses could result in a substandard level of amenity given the range of uses and activities associated with such '*bad neighbour*' type developments.

Furthermore, a key material consideration in an assessment of the current proposal was the previous refusal by the Planning Authority on similar grounds as outlined below. Circumstances have not changed with regards the lawful uses within *Ellangowan* or the area of land adjacent to the site to allow an alternative view to be taken at this time. Should this situation change (as the applicant has already been advised by this department) then the character of the surrounding area may alter sufficiently to enable development to take place on the site with no detrimental impact on its neighbours or own level of amenity.

Given all of the above, it is considered that the proposed development represents a poor 'housing plot', fails to respect the existing frontage development along *Cromlech Road* that would have serious implications for the existing dwellinghouse *Portvasgo*, and adjoining land and land uses. Such a development with its particular siting, layout and scale would not represent infill, rounding-off or redevelopment related to the existing built form established settlement pattern. The proposal would therefore be contrary to SPP 3 Planning for Housing; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' (including Appendix A - Sustainable Siting and Design Principles - 'Design of New Housing in Settlements' and Back-land Development) and LP HOU 1 'General Housing Development', LP BAD 2 'Bad Neighbour Development In Reverse' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed and does not justify the grant of planning permission.



COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION 08/01077/OUT

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Development Services, Argyll and Bute Council,
 Kilmory, Lochgilphead, Argyll, PA31 8RT

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 8 Isle of Bute
Date of Validity - 16th June 2008
Committee Date - 7th October 2008**

Reference Number: 08/01064/DET
 Applicants Name: Fyne Homes
 Application Type: Detailed
 Application Description: Installation of Replacement Windows
 Location: 14-26 Russell Street (even numbers only) and 19-23 Mill Street,
 Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Planning Permission

- Installation of timber double swing windows in flatted properties
- Installation of new timber windows with decorative steel mesh on ground floor retail unit

There is an associated application for Listed Building Consent (ref: 08/01069/LIB), a report on which is also before Members for consideration.

(B) RECOMMENDATION

That Planning Permission be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on properties within Conservation Areas under both the adopted and emerging Local Plans. No incontrovertible evidence has been submitted that every window is in such a poor condition that the only option is to replace them. Even if such a case were to be made, no overriding argument has been advanced that timber sliding sash and case windows cannot be installed as a feasible replacement to the traditional windows that exist at present.

On the basis of the foregoing, it is considered that the proposal cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure from the Development Plan.

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

No.

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

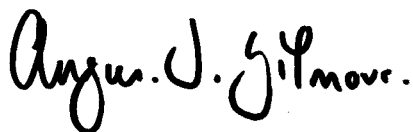
No.

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

This application is for Planning Permission and, as such, there is no requirement to formally notify Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
26 September 2008

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01064/DET

1. The proposed replacement windows on the subject property, by virtue of their inappropriate double swing method of opening, would have an unacceptable impact upon the architectural and historic interest of this Category B Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 6 of the adopted Bute Local Plan 1990; Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement* and *Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas*.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01064/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including within Conservation Areas) will be resisted.

Bute Local Plan 1990

Policy POL BE 6 of the adopted Local Plan seeks to prevent any deterioration in the character and appearance of the Rothesay Conservation Area through unsympathetic new development.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 14 presumes against development that would not preserve or enhance the character or appearance of an existing Conservation Area. All such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

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

There is none relative to this application.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Section 65 and as a Potential Departure from the Development Plan (closing date 18th July 2008). No representations have been received at the time of writing.

(v) APPLICANT'S SUPPORTING INFORMATION

Collective Architecture has, on behalf of the applicants, submitted a supporting justification (*Windows Report* received on 16th June 2008 and letter dated 23rd July 2008) illustrating why it has been decided to opt for the timber double swing windows. This can be summarised as follows:

Various options have been investigated for improving the windows and consideration has been given to the following criteria:

- **Residents' Needs:** Currently many of the windows are difficult to open and clean (particularly for the frail, elderly or those with limited mobility), allow draughts and provide very little acoustic insulation. A report on each sash and case window has not been provided as access to all 198 windows has not been possible. However, judging by the number of complaints that have been made regarding the state of the windows, it is certain that they all fall below the standard and condition that Fyne Homes would wish to provide for their tenants.

Installing new double glazed windows would improve all of these issues with relatively little disruption to the lives of the residents; they would not need to be decanted; and, in a matter of hours after the start of the work, will have their living environment dramatically improved;

- **Views of the Planning Authority and Historic Scotland:** The urban importance and appearance of the building are appreciated. It is felt that the best way of ensuring these qualities are retained in the long term is to install the best possible components. In response to Historic Scotland's aesthetic concerns, new double glazed windows have been specified and designed to match the existing in relation to size, material, colour, arrangement (not opening mechanism) and recess position

The existing sash and case frames are not suitable for holding double glazed units as the existing single glazed units are very thin and light and can, therefore, be held in by putty. Modern double glazing units cannot be held in place in this manner;

- **Long Term Maintenance:** Fyne Homes currently have to bear significant, recurring costs to allow these windows to operate to their current poor standard. This would be a real waste of public money that could be used far more effectively to improve the windows and, therefore, the internal spaces by a considerable degree. This investment would also serve to reduce the long term maintenance costs as well as the inconvenience to the landlords and residents;
- **Thermal Insulation:** The construction industry, landlords and residents all need to contribute to the reduction of carbon output through the construction process as well as in completed buildings. Retrofitting double glazed windows is a simple and effective way of improving existing buildings' performance. This is now a high priority of government legislation that is finding its way into planning policy. Ruling against improving this property would seem to contradict the prevailing intellectual consensus. In addition, given the continuously increasing fuel prices, insulating homes is becoming increasingly important, even fundamental, in the struggle to keep people out of fuel poverty. The majority of these dwellings are socially-rented housing, and are home to the most financially vulnerable in society;
- **Secure By Design:** The security of the properties will be improved through the installation of new double glazed windows, which will conform to Secure By Design. The same improvement in security cannot be attained with the existing windows, which could not be SBD accredited.
- **Capital Costs:** The proposal represents a genuine and significant investment in the fabric of the building. However, it is also an efficient use of public money; given the array of improvements to the building, this investment represents value for money.

The applicant is a responsible organisation with a long term commitment to the improvement and upkeep of all of their housing stock. There comes a point, however, when a building or group of buildings is no longer economically viable to maintain especially if the properties in question are hard to let because they are energy inefficient and do not respond to the needs of the occupants.

Refurbishing the windows will provide fewer benefits but will incur additional costs and untold disruption.

- **Precedent:** It is proposed to install exactly the same windows as those recently approved in a grade 'B' Listed Building at Colbeck Place, Rothesay.

A meeting was held at the site on 26th August 2008 between officials of Development Services, Historic Scotland, Fyne Homes and Collective Architecture. Subsequent to this meeting, a further letter (dated 11th September 2008) has been sent by Collective Architecture. The following summarises the contents of this letter:

- Having reviewed the situation with the Management Committee of Fyne Homes, it is considered that the only way forward is to adhere to the current proposals for double swing windows throughout. The wider situation has been looked at in an attempt to find a proposal that is more feasible but this has failed. The economic climate is the worst that is has been for several years and government assistance for this type of work is not available. An increase in tenants' rents would be resisted, especially in light of rising energy costs;
- The meeting was useful and the Changeworks case study in Edinburgh has been investigated (as suggested by Historic Scotland). However, it would appear that this was made possible by funding from Edinburgh World Heritage, Communities Scotland and private funding from Scottish Power. None of these funding streams are available to Fyne Homes or their tenants.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01064/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The subject property is a Category B Listed Building and is located prominently within the Rothesay Conservation Area on the corner of Russell Street and Mill Street, Rothesay. It is an extensive three-storey Scots Baronial tenement with a ground floor retail unit (currently vacant) directly on the corner.

Historic Scotland's description notes that the building is "*an impressive, highly embellished example of the Scots Baronial style*" and notes the existence of interesting features such as "*decorative strapwork, crowstepped gables, thistle and ball-shaped finials and barley-sugar downpipes*".

With the exception of the ground floor retail unit, all of the windows in this imposing property are white, timber, sliding sash and case. As a consequence, it is considered that one of the key architectural features of the property is this traditional fenestration.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002, Policy POL BE 6 of the Bute Local Plan 1990 and Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within its own townscape block. It contains the description "*ornate sandstone tenement with intact timber sash and case glazing*" and mentions the building's listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

<i>Finish</i>	<i>- Timber</i>
<i>Glazing Pattern</i>	<i>- Two-pane to match existing</i>
<i>Colour</i>	<i>- White</i>
<i>Method of Opening</i>	<i>- Sliding sash and case</i>

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows on the front elevation of buildings in Conservation Areas should match the original in all aspects of their design and in their main method of opening.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to non-statutory Council policies.**

C. Other Scottish Executive Advice

Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' states that timber sash windows have a very long life if they are of good quality material, correctly installed and properly maintained. Those windows which are defective are often capable of repair and, even if replacement is unavoidable, modern substitutes should be very firmly discouraged. Top-hung mock sash and case windows may look reasonably satisfactory when closed, but they are as disruptive of the original character as any other substitute when open.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to Central Government guidance**.

CONCLUSION

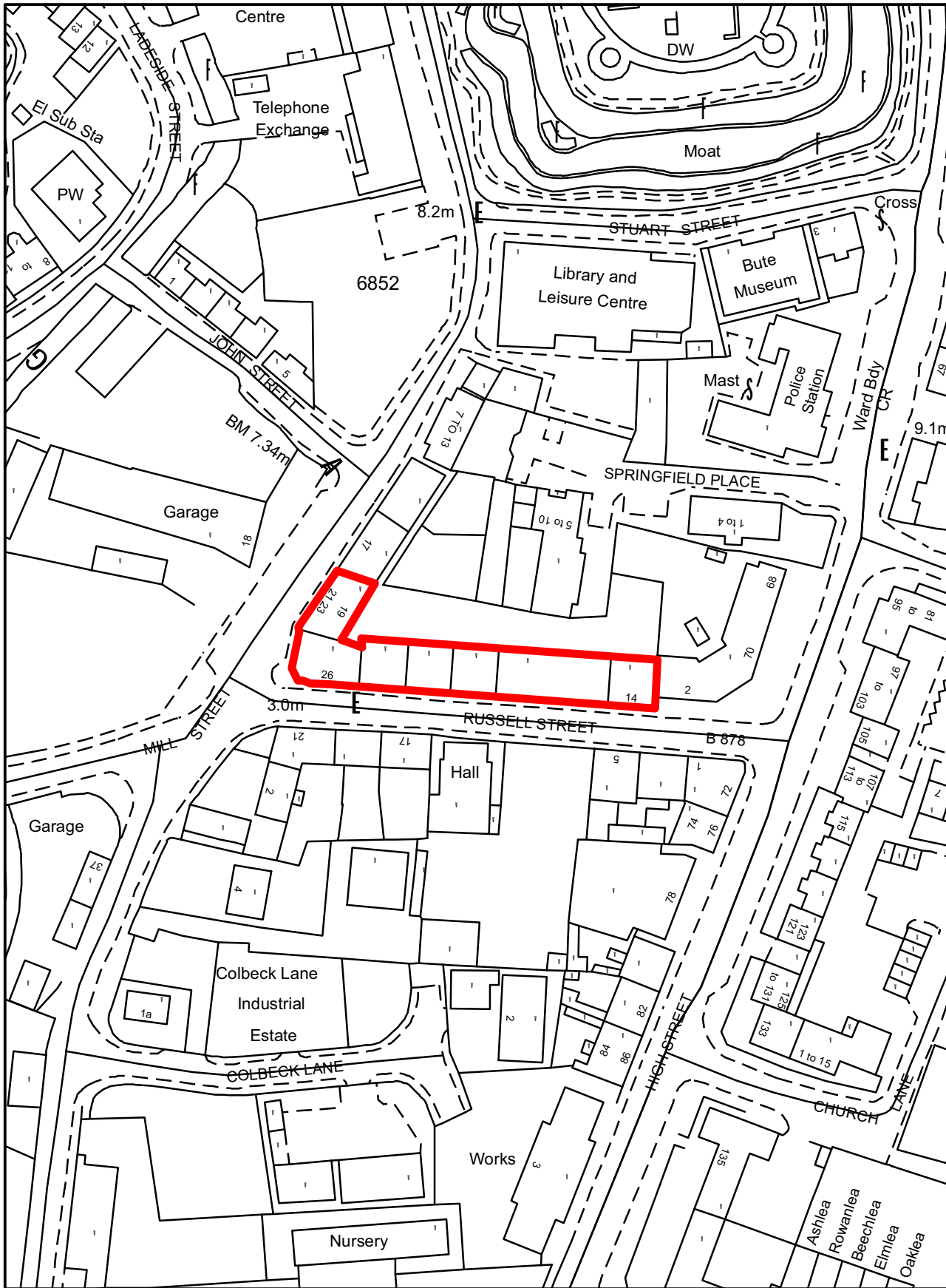
This application is the latest involving the vexed question of replacement windows on Listed Buildings within the Rothesay Conservation Area. In this particular case, the subject property is distinctive in style, prominent in location and contains a large number of windows, almost all of which are traditional timber sliding sash and case. It is acknowledged that this situation is not particularly straightforward and Collective Architecture, on behalf of Fyne Homes, has given a relatively detailed supporting statement (see Appendix A, Section (iv) above).

Although the applicant has given their reasons against repair, the summary statement from Blairs (window company) advises that the windows are repairable. As Historic Scotland has commented, with window applications, it is preferable to understand the condition of each window and to determine the extent of work required for each, and the report lacks such detailed information. On this basis, it is not considered that the case for replacing the windows rather than repairing them has been substantively proved.

Even if the case for replacement was justified, there remains the question of the type of replacement window. As Historic Scotland has stated, the timber sash and case window has been a feature of Scottish architecture for three centuries and, it is considered, can be made to suit modern requirements. Windows are an essential part of the design of a building and should be treated as part of its original fabric, particularly in this case, where the traditional windows essentially remain intact.

As mentioned previously in this report, this tenement has a collection of interesting details such as decorative ironwork, neo-Jacobean strapwork, thistle finials and crowsteps, and it is the repetition of these features throughout the entire block, as well as the massing and windows, that makes it more special. The loss of uniformity as a result of windows being open at various angles would have a harmful impact upon the character of the building and also Russell Street/Mill Street.

Whilst recognising the difficulties that the applicant faces, it is considered that the Council should give greater weight to the architectural integrity and quality of this Category B Listed Building and, on this basis, it is considered that the introduction of windows with a double swing method of opening would be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.



COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION: 08/01064/DET
& 08/01069/LIB



1:1,250

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**DEVELOPMENT SERVICES
LISTED BUILDING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 8 Isle of Bute
Date of Validity - 16th June 2008
Committee Date - 7th October 2008**

Reference Number: 08/01069/LIB
 Applicants Name: Fyne Homes
 Application Type: Listed Building
 Application Description: Installation of Replacement Windows
 Location: 14-26 Russell Street (even numbers only) and 19-23 Mill Street,
 Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Listed Building Consent

- Installation of timber double swing windows in flatted properties
- Installation of new timber windows with decorative steel mesh on ground floor retail unit

There is an associated application for Planning Permission (ref: 08/01064/DET), a report on which is also before Members for consideration.

(B) RECOMMENDATION

That Listed Building Consent be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on Listed Buildings under both the adopted and emerging Local Plans. No incontrovertible evidence has been submitted that every window is in such a poor condition that the only option is to replace them. Even if such a case were to be made, no overriding argument has been advanced that timber sliding sash and case windows cannot be installed as a feasible replacement to the traditional windows that exist at present.

On the basis of the foregoing, it is considered that the proposal cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure from the Development Plan.

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

No.

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

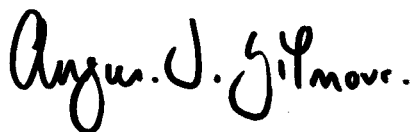
No.

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

Whilst the proposal relates to a Category B Listed Building, as the application is being recommended for refusal, there is no requirement to formally notify Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
26 September 2008

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01069/LIB

1. The proposed replacement windows on the subject property, by virtue of their inappropriate double swing method of opening, would have an unacceptable impact upon the architectural and historic interest of this Category B Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 1 of the adopted Bute Local Plan 1990; Policy LP ENV 13(a) of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement and Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01069/LIB

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including Listed Buildings) will be resisted.

Bute Local Plan 1990

Policy POL BE 1 of the adopted Local Plan seeks to permit only those alterations to statutory Listed Buildings which maintain and/or enhance their special architectural qualities.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 13(a) requires development affecting a Listed Building to preserve the building and any features of special architectural or historic interest and that all such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

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

There is none relative to this application.

(iii) CONSULTATIONS

Historic Scotland (letter dated 30th June 2008)

Historic Scotland notes the information contained within the application and refers to national guidance that original sashes should be retained if at all possible. With window applications, it is preferable to understand the condition of each window and to determine the extent of work required for each: the applicant is lacking such a report.

Advice in the Memorandum recommends that replacement sash and case windows should match the originals in every respect (including opening mechanism) and the Council's own design guidance offers similar advice.

The tenements in question have a collection of interesting details and it is the repetition of these details throughout the entire block, as well as the massing and windows, that make it more special. The loss of uniformity as a result of windows open at varied angles would have a harmful effect upon the character of the building and also the street.

If it was found that the windows were beyond repair, the installation of double glazed units within the existing sashes would have a lesser impact than the current proposals.

In conclusion, the application is contrary to well-established policy and advice.

(iv) **PUBLICITY AND REPRESENTATIONS**

The application has been advertised under Regulation 5 and as a Potential Departure from the Development Plan (closing date 18th July 2008). No representation has been received at the time of writing.

(v) **APPLICANT'S SUPPORTING INFORMATION**

Collective Architecture has, on behalf of the applicants, submitted a supporting justification (*Windows Report* received on 16th June 2008) illustrating why it has been decided to opt for the timber double swing windows. This can be summarised as follows:

Various options have been investigated for improving the windows and consideration has been given to the following criteria:

- **Residents' Needs:** Currently many of the windows are difficult to open and clean (particularly for the frail, elderly or those with limited mobility), allow draughts and provide very little acoustic insulation. A report on each sash and case window has not been provided as access to all 198 windows has not been possible. However, judging by the number of complaints that have been made regarding the state of the windows, it is certain that they all fall below the standard and condition that Fyne Homes would wish to provide for their tenants.

Installing new double glazed windows would improve all of these issues with relatively little disruption to the lives of the residents; they would not need to be decanted; and, in a matter of hours after the start of the work, will have their living environment dramatically improved;

- **Views of the Planning Authority and Historic Scotland:** The urban importance and appearance of the building are appreciated. It is felt that the best way of ensuring these qualities are retained in the long term is to install the best possible components. In response to Historic Scotland's aesthetic concerns, new double glazed windows have been specified and designed to match the existing in relation to size, material, colour, arrangement (not opening mechanism) and recess position

The existing sash and case frames are not suitable for holding double glazed units as the existing single glazed units are very thin and light and can, therefore, be held in by putty. Modern double glazing units cannot be held in place in this manner;

- **Long Term Maintenance:** Fyne Homes currently have to bear significant, recurring costs to allow these windows to operate to their current poor standard. This would be a real waste of public money that could be used far more effectively to improve the windows and, therefore, the internal spaces by a considerable degree. This investment would also serve to reduce the long term maintenance costs as well as the inconvenience to the landlords and residents;
- **Thermal Insulation:** The construction industry, landlords and residents all need to contribute to the reduction of carbon output through the construction process as well as in completed buildings. Retrofitting double glazed windows is a simple and effective way of improving existing buildings' performance. This is now a high priority of government legislation that is finding its way into planning policy. Ruling against improving this property would seem to contradict the prevailing intellectual consensus. In addition, given the continuously increasing fuel prices, insulating homes is becoming increasingly important, even fundamental, in the struggle to keep people out of fuel poverty. The majority of these dwellings are socially-rented housing, and are home to the most financially vulnerable in society;
- **Secure By Design:** The security of the properties will be improved through the installation of new double glazed windows, which will conform to Secure By Design.

The same improvement in security cannot be attained with the existing windows, which could not be SBD accredited.

- **Capital Costs:** The proposal represents a genuine and significant investment in the fabric of the building. However, it is also an efficient use of public money; given the array of improvements to the building, this investment represents value for money.

The applicant is a responsible organisation with a long term commitment to the improvement and upkeep of all of their housing stock. There comes a point, however, when a building or group of buildings is no longer economically viable to maintain especially if the properties in question are hard to let because they are energy inefficient and do not respond to the needs of the occupants.

Refurbishing the windows will provide fewer benefits but will incur additional costs and untold disruption.

- **Precedent:** It is proposed to install exactly the same windows as those recently approved in a grade 'B' Listed Building at Colbeck Place, Rothesay.

A meeting was held at the site on 26th August 2008 between officials of Development services, Historic Scotland, Fyne Homes and Collective Architecture. Subsequent to this meeting, a further letter (dated 11th September 2008) has been sent by Collective Architecture. The following summarises the contents of this letter:

- Having reviewed the situation with the Management Committee of Fyne Homes, it is considered that the only way forward is to adhere to the current proposals for double swing windows throughout. The wider situation has been looked at in an attempt to find a proposal that is more feasible but this has failed. The economic climate is the worst that is has been for several years and government assistance for this type of work is not available. An increase in tenants' rents would be resisted, especially in light of rising energy costs;
- The meeting was useful and the Changeworks case study in Edinburgh has been investigated (as suggested by Historic Scotland). However, it would appear that this was made possible by funding from Edinburgh World Heritage, Communities Scotland and private funding from Scottish Power. None of these funding streams are available to Fyne Homes or their tenants.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01069/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The subject property is a Category B Listed Building and is located prominently within the Rothesay Conservation Area on the corner of Russell Street and Mill Street, Rothesay. It is an extensive three-storey Scots Baronial tenement with a ground floor retail unit (currently vacant) directly on the corner.

Historic Scotland's description notes that the building is "*an impressive, highly embellished example of the Scots Baronial style*" and notes the existence of interesting features such as "*decorative strapwork, crowstepped gables, thistle and ball-shaped finials and barley-sugar downpipes*".

With the exception of the ground floor retail unit, all of the windows in this imposing property are white, timber, sliding sash and case. As a consequence, it is considered that one of the key architectural features of the property is this traditional fenestration.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002 and Policy POL BE 1 of the Bute Local Plan 1990 seek to permit those alterations to Listed Buildings that maintain and/or enhance their special architectural qualities whilst Policy LP ENV 13(a) of the Argyll and Bute Modified Finalised Draft Local Plan 2006 requires development to preserve the building and any features of special architectural or historic interest that it possesses.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within its own townscape block. It contains the description "*ornate sandstone tenement with intact timber sash and case glazing*" and mentions the building's listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

<i>Finish</i>	<i>- Timber</i>
<i>Glazing Pattern</i>	<i>- Two-pane to match existing</i>
<i>Colour</i>	<i>- White</i>
<i>Method of Opening</i>	<i>- Sliding sash and case</i>

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows in Listed Buildings should match the original in all aspects of their design and in their main method of opening.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to non-statutory Council policies.**

C. Other Scottish Executive Advice

Historic Scotland's *'Memorandum of Guidance on Listed Buildings and Conservation Areas'* states that timber sash windows have a very long life if they are of good quality material, correctly installed and properly maintained. Those windows which are defective are often capable of repair and, even if replacement is unavoidable, modern substitutes should be very firmly discouraged. Top-hung mock sash and case windows may look reasonably satisfactory when closed, but they are as disruptive of the original character as any other substitute when open.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to Central Government guidance**.

CONCLUSION

This application is the latest involving the vexed question of replacement windows on Listed Buildings within the Rothesay Conservation Area. In this particular case, the subject property is distinctive in style, prominent in location and contains a large number of windows, almost all of which are the traditional timber sliding sash and case. It is acknowledged that this situation is not particularly straightforward and Collective Architecture, on behalf of Fyne Homes, has given a relatively detailed supporting statement (see Appendix A, Section (iv) above).

Although the applicant has given their reasons against repair, the summary statement from Blairs (window company) advises that the windows are repairable. As Historic Scotland has commented, with window applications, it is preferable to understand the condition of each window and to determine the extent of work required for each, and the report lacks such detailed information. On this basis, it is not considered that the case for replacing the windows rather than repairing them has been substantively proved.

Even if the case for replacement was justified, there remains the question of the type of replacement window. As Historic Scotland has stated, the timber sash and case window has been a feature of Scottish architecture for three centuries and, it is considered, can be made to suit modern requirements. Windows are an essential part of the design of a building and should be treated as part of its original fabric, particularly in this case, where the traditional windows essentially remain intact.

As mentioned previously in this report, this tenement has a collection of interesting details such as decorative ironwork, neo-Jacobean strapwork, thistle finials and crowsteps, and it is the repetition of these features throughout the entire block, as well as the massing and windows, that makes it more special. The loss of uniformity as a result of windows being open at various angles would have a harmful impact upon the character of the building and also Russell Street/Mill Street.

Whilst recognising the difficulties that the applicant faces, it is considered that the Council should give greater weight to the architectural integrity and quality of this Category B Listed Building and, on this basis, it is considered that the introduction of windows with a double swing method of opening would be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 8 Isle of Bute
Date of Validity - 29th July 2008
Committee Date - 7th October 2008**

Reference Number: 08/01393/DET
Applicants Name: Peter Gardner
Application Type: Detailed
Application Description: Installation of Replacement Windows
Location: Ground Floor Flat, 28 Crichton Road, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Planning Permission

- Installation of timber double swing windows in ground floor flat

There is an associated application for Listed Building Consent (ref: 08/01391/LIB), a report on which is also before Members for consideration.

(B) RECOMMENDATION

That Planning Permission be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on properties within Conservation Areas under both the adopted and emerging Local Plans. No incontrovertible evidence has been submitted that every window is in such a poor condition that the only option is to replace them. Even if such a case were to be made, no overriding argument has been advanced that timber sliding sash and case windows cannot be installed as a feasible replacement to the traditional windows that exist at present.

On the basis of the foregoing, it is considered that the proposal cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure to the Development Plan.

(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.

This application is for Planning Permission and, as such, there is no requirement to formally notify Scottish Ministers.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
26 September 2008

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01393/DET

1. The proposed replacement windows on the subject property, by virtue of their inappropriate double swing method of opening, would have an unacceptable impact upon the architectural and historic interest of this Category C(S) Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 6 of the adopted Bute Local Plan 1990; Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement and Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's *'Memorandum of Guidance on Listed Buildings and Conservation Areas'*.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01393/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including within Conservation Areas) will be resisted.

Bute Local Plan 1990

Policy POL BE 6 of the adopted Local Plan seeks to prevent any deterioration in the character and appearance of the Rothesay Conservation Area through unsympathetic new development.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 14 presumes against development that would not preserve or enhance the character or appearance of an existing Conservation Area. All such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

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

There is none relative to this application.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Section 65 and as a Potential Departure from the Development Plan (closing date 29th August 2008). No representations have been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The agent has submitted a supporting justification (letter dated July 2008) illustrating why it has been decided to opt for timber double swing windows, summarised as follows:

- The windows throughout the property are the original sash and case windows and are now draughty, unopenable and in need of replacement;
- There are numerous properties on Crichton Road that have timber double swing windows installed. This window type, whilst not being sash and case in style, is a good quality window that will enhance the energy efficiency of the property in question. This is an important consideration with energy prices rising and the need to incorporate an efficient approach to the repair of the building;
- There are some listed properties in Rothesay that have been given consent to install double swing windows and others have been permitted to install upvc windows;
- The applicants simply could not afford to install new sash and case windows that are more than double the price of the proposed double swing windows. In any case, sash and case windows are not universally popular with older people as they quickly become draughty and difficult to open, particularly in exposed locations such as Crichton Road.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01393/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The subject property is a Category C(S) Listed Building and is located prominently within the Rothesay Conservation Area on Crichton Road. It is a two-storey double villa forming part of the symmetrical Brighton Terrace and dates from 1878.

Historic Scotland's description notes that "*despite the loss of some balconies, fretwork finials and glazing, Brighton Terrace retains a degree of architectural interest. Still, the symmetrical layout remains and the details which are intact are of good quality*" One of the features mentioned for 28 Crichton Road in particular is the 2-pane timber sash and case glazing and, as a consequence, it is considered that one of the key architectural features of the property is this original fenestration.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002, Policy POL BE 6 of the Bute Local Plan 1990 and Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to existing and emerging Development Plan policies**.

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within the townscape block of Brighton Terrace, 23 to 34 Crichton Road. It contains the description "*symmetrical row of semi-detached villas with green or white painted timber detailing and fenestration. Some modern replacements but mostly intact*" and mentions the building's listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

<i>Finish</i>	- Timber
<i>Glazing Pattern</i>	- Two-pane to match existing
<i>Colour</i>	- White
<i>Method of Opening</i>	- Sliding sash and case

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows on the front elevation of buildings in Conservation Areas should match the original in all aspects of their design and in their main method of opening.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to non-statutory Council policies**.

C. Other Scottish Executive Advice

Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' states that timber sash windows have a very long life if they are of good quality material, correctly installed and properly maintained. Those windows which are defective are often capable of repair and, even if replacement is unavoidable, modern substitutes should be very firmly discouraged. Top-hung mock sash and case windows may look reasonably satisfactory when closed, but they are as disruptive of the original character as any other substitute when open.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to Central Government guidance**.

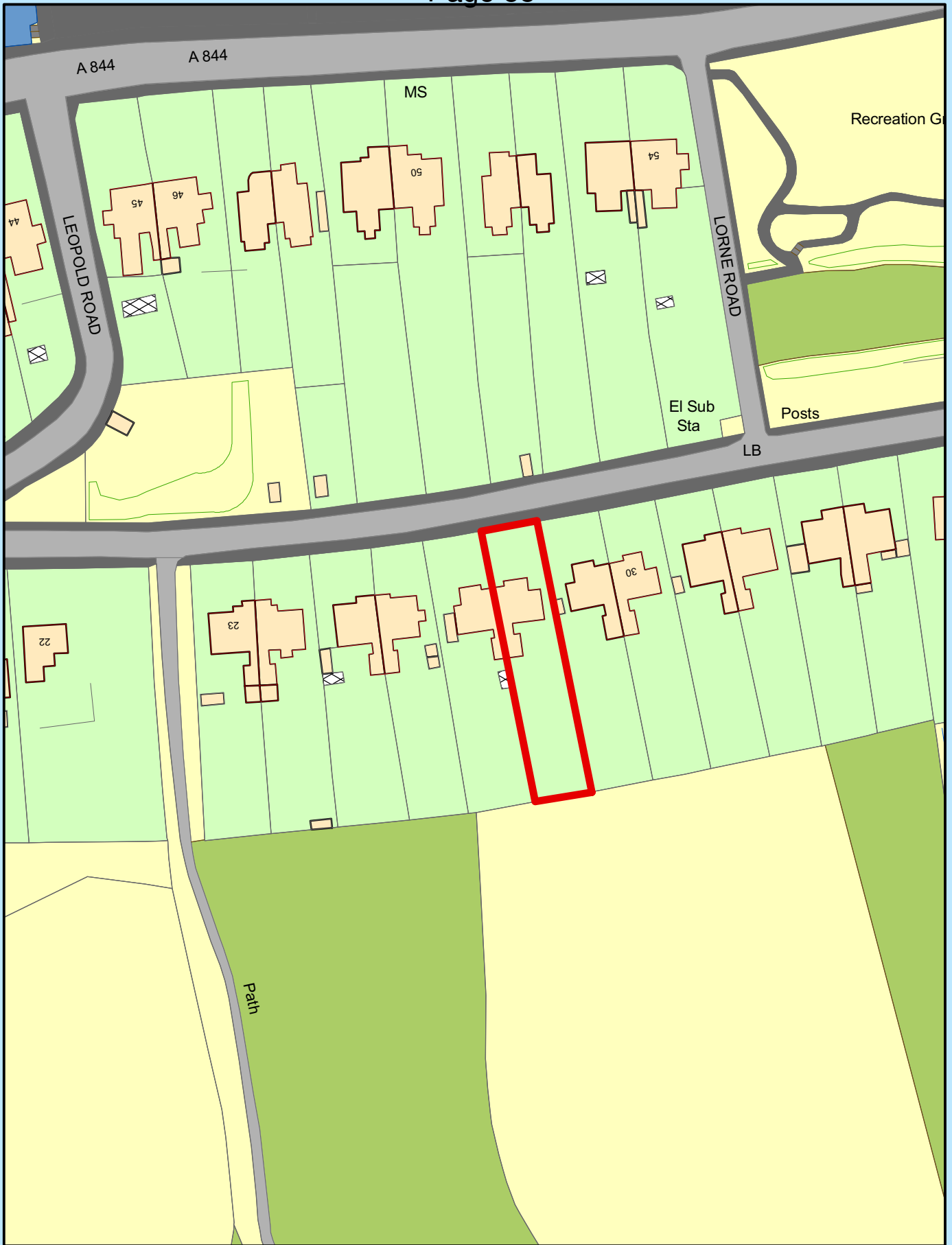
CONCLUSION

This is the latest development that involves the vexed question of replacement windows on Listed Buildings within the Rothesay Conservation Area. Although the agent has given his reasons against the re-use of sliding sash and case windows, no indisputable case has been put forward that the existing windows are beyond repair.

Even if the case for replacement was justified, there remains the question of the type of replacement window. As Historic Scotland has stated, the timber sash and case window has been a feature of Scottish architecture for three centuries and, it is considered, can be made to suit modern requirements. Windows are an essential part of the design of a building and should be treated as part of its original fabric, particularly in this case, where the traditional windows essentially remain intact.

As mentioned previously in this report, the terrace within which the subject property is situated retains a degree of architectural interest. The loss of uniformity as a result of windows being open at various angles would have a harmful impact upon the character of the building and also Crichton Road.

Whilst recognising the difficulties that the applicant faces, it is considered that the Council should give greater weight to the architectural integrity and quality of this Category C(S) Listed Building and, on this basis, it is considered that the introduction of windows with a double swing method of opening would be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.



COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION 08/01391/LIB
& 08/01393/DET

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Development Services, Argyll and Bute Council,
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**DEVELOPMENT SERVICES
LISTED BUILDING APPLICATION REPORT
BUTE & COWAL AREA COMMITTEE**

**Ward Number - 8 Isle of Bute
Date of Validity - 29th July 2008
Committee Date - 7th October 2008**

Reference Number: 08/01391/LIB
Applicants Name: Peter Gardner
Application Type: Listed Building
Application Description: Installation of Replacement Windows
Location: Ground Floor Flat, 28 Crichton Road, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Listed Building Consent

- Installation of timber double swing windows in flatted property

There is an associated application for Planning Permission (ref: 08/01393/DET), a report on which is also before Members for consideration.

(B) RECOMMENDATION

That Listed Building Consent be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on Listed Buildings under both the adopted and emerging Local Plans. No incontrovertible evidence has been submitted that every window is in such a poor condition that the only option is to replace them. Even if such a case were to be made, no overriding argument has been advanced that timber sliding sash and case windows cannot be installed as a feasible replacement to the traditional windows that exist at present.

On the basis of the foregoing, it is considered that the proposal cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representation has been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure from the Development Plan.

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

No.

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

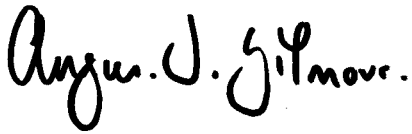
No.

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

As the proposal relates to a Category C(S) Listed Building, there is no requirement to formally notify Scottish Ministers.

(viii) **Has a sustainability Checklist Been Submitted:**

No.



Angus J Gilmour
Head of Planning
26 September 2008

Author: Steven Gove 01369 708603
Contact: David Eaglesham 01369 708608

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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01391/LIB

1. The proposed replacement windows on the subject property, by virtue of their inappropriate double swing method of opening, would have an unacceptable impact upon the architectural and historic interest of this Category C(S) Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 1 of the adopted Bute Local Plan 1990; Policy LP ENV 13(a) of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement and Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's *'Memorandum of Guidance on Listed Buildings and Conservation Areas'*.

APPENDIX A – RELATIVE TO APPLICATION 08/01391/LIB

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including Listed Buildings) will be resisted.

Bute Local Plan 1990

Policy POL BE 1 of the adopted Local Plan seeks to permit only those alterations to statutory Listed Buildings which maintain and/or enhance their special architectural qualities.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 13(a) requires development affecting a Listed Building to preserve the building and any features of special architectural or historic interest and that all such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

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

There is none relative to this application.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Regulation 5 and as a Potential Departure from the Development Plan (closing date 29th August 2008). No representation has been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The agent has submitted a supporting justification (letter dated July 2008) illustrating why it has been decided to opt for the timber double swing windows, summarised as follows:

- The windows throughout the property are the original sash and case windows and are now draughty, unopenable and in need of replacement;
- There are numerous properties on Crichton Road that have timber double swing windows installed. This window type, whilst not being sash and case in style, is a good quality window that will enhance the energy efficiency of the property in question. This is an important consideration with energy prices rising and the need to incorporate an efficient approach to the repair of the building;
- There are some listed properties in Rothesay that have been given consent to install double swing windows and others have been permitted to install upvc windows;
- The applicants simply could not afford to install new sash and case windows that are more than double the price of the proposed double swing windows. In any case, sash and case windows are not universally popular with older people as they quickly become draughty and difficult to open, particularly in exposed locations such as Crichton Road.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01391/LIB

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

The subject property is a Category C(S) Listed Building and is located prominently within the Rothesay Conservation Area on Crichton Road. It is a two-storey double villa forming part of the symmetrical Brighton Terrace and dates from 1878.

Historic Scotland's description notes that "*despite the loss of some balconies, fretwork finials and glazing, Brighton Terrace retains a degree of architectural interest. Still, the symmetrical layout remains and the details which are intact are of good quality*" One of the features mentioned for 28 Crichton Road in particular is the 2-pane timber sash and case glazing and, as a consequence, it is considered that one of the key architectural features of the property is this original fenestration.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002, Policy POL BE 6 of the Bute Local Plan 1990 and Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to existing and emerging Development Plan policies**.

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within the townscape block of Brighton Terrace, 23 to 34 Crichton Road. It contains the description "*symmetrical row of semi-detached villas with green or white painted timber detailing and fenestration. Some modern replacements but mostly intact*" and mentions the building's listed status. In recognition of these circumstances, the policy for this townscape block is as follows:

Finish	- Timber
Glazing Pattern	- Two-pane to match existing
Colour	- White
Method of Opening	- Sliding sash and case

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows on the front elevation of buildings in Conservation Areas should match the original in all aspects of their design and in their main method of opening.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to non-statutory Council policies**.

C. Other Scottish Executive Advice

Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' states that timber sash windows have a very long life if they are of good quality material, correctly installed and properly maintained. Those windows which are defective are often capable of repair and, even if replacement is unavoidable, modern substitutes should be very firmly discouraged. Top-hung mock sash and case windows may look reasonably satisfactory when closed, but they are as disruptive of the original character as any other substitute when open.

The loss of traditional timber sash and case windows and the introduction of windows with a double swing method of opening render **the application contrary to Central Government guidance**.

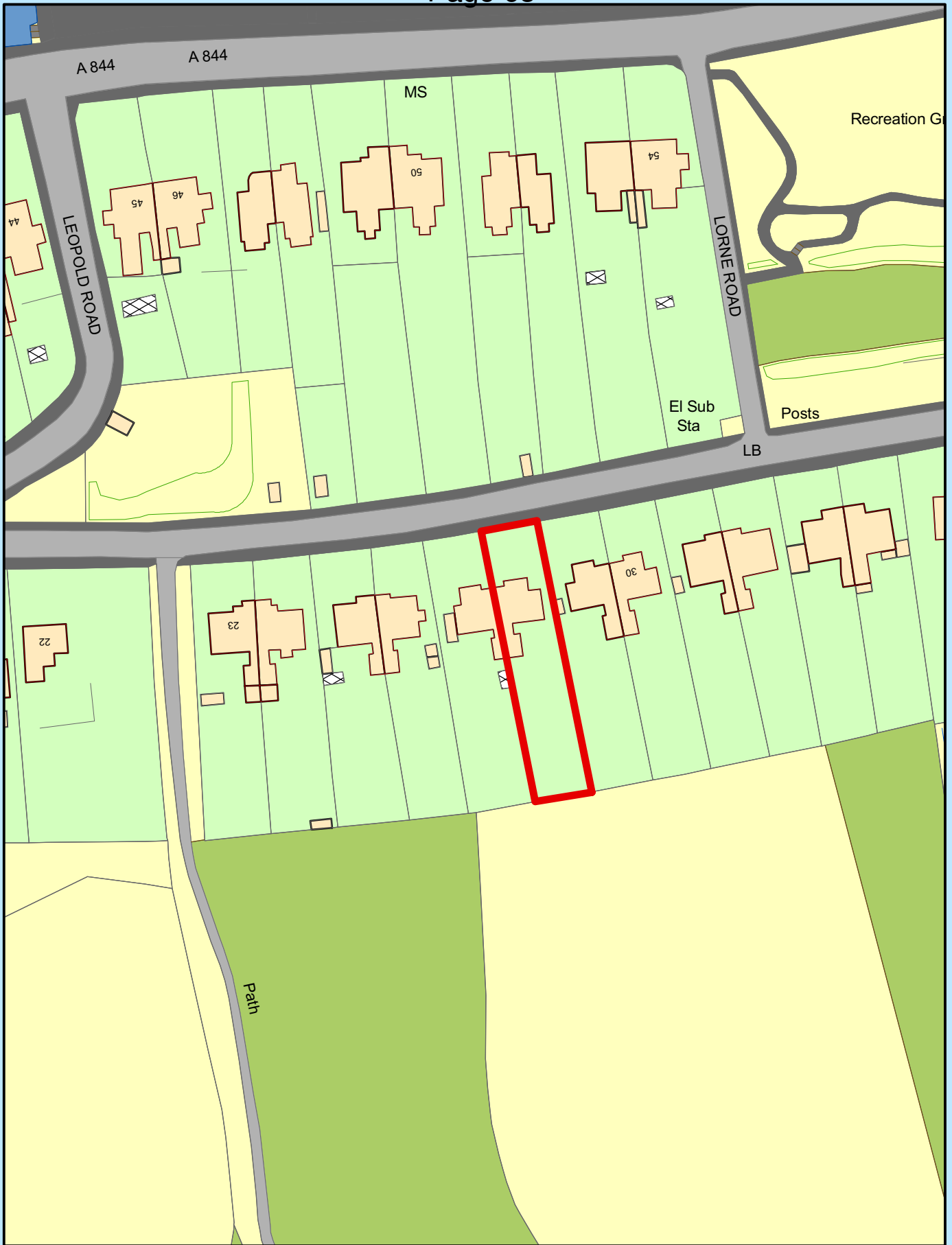
CONCLUSION

The present application is the latest in a line of developments that involve the vexed question of replacement windows on Listed Buildings within the Rothesay Conservation Area. Although the agent has given his reasons against the re-use of sliding sash and case windows, no indisputable case has been put forward that the existing windows are beyond repair.

Even if the case for replacement was justified, there remains the question of the type of replacement window. As Historic Scotland has stated, the timber sash and case window has been a feature of Scottish architecture for three centuries and, it is considered, can be made to suit modern requirements. Windows are an essential part of the design of a building and should be treated as part of its original fabric, particularly in this case, where the traditional windows essentially remain intact.

As mentioned previously in this report, the terrace within which the subject property is situated retains a degree of architectural interest. The loss of uniformity as a result of windows being open at various angles would have a harmful impact upon the character of the building and also Crichton Road.

Whilst recognising the difficulties that the applicant faces, it is considered that the Council should give greater weight to the architectural integrity and quality of this Category C(S) Listed Building and, on this basis, it is considered that the introduction of windows with a double swing method of opening would be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.



COMMITTEE LOCATION PLAN
RELEVANT TO APPLICATION 08/01391/LIB
& 08/01393/DET

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**DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
Bute and Cowal Area Committee**

**Ward Number - 7 Dunoon
Date of Validity - 8th April 2008
Committee Date - 4 November 2008**

Reference Number: 08/00577/OUT
Applicants Name: Denis Doherty and Mary Doherty
Application Type: Outline
Application Description: Erection of four dwellinghouses and formation of vehicular access.
Location: Land east of Davidson Place, North Campbell Road, Innellan

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of 4 detached dwellinghouses (indicative two-storey split-level footprints, floor plans and elevations);
- Formation of shared vehicular access from North Campbell Road, provision of shared turning area, resident and visitor car parking areas;

(ii) Other specified operations.

- Connection to public water supply and waste water network;

(B) RECOMMENDATION

It is recommended that planning permission be **Refused** for the reasons set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Innellan and covered primarily by policies HO8 'Infill, Rounding-Off and Redevelopment' and BE9 'Layout and Design of Urban Development'. In the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), the application site is located within the small town and village settlement of Innellan and covered primarily by policies LP ENV19 'Development Setting, Layout and Design' and LP HOU1 'General Housing Development'.

The proposal is considered contrary to the Cowal Local Plan in respect of the erection of four detached dwellinghouses within a narrow and sloping backland site in close proximity to existing dwellings which would not relate to the existing built form where issues concerning over-development, siting, loss of privacy, visual dominance, loss of car parking spaces and driver/pedestrian safety are raised by neighbouring residents and supported by the department.

The proposal is considered contrary to both the Argyll and Bute Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan since the four dwellinghouses proposed cannot be regarded as appropriate infill development where the development would result in settlement cramming and overwhelm the townscape character of the immediate area.

The provision of the new vehicular access serving this 'backland' site could have a significant impact on properties at Jocks Lodge and Cumbrae Cottage as the vehicle ramp would be at a higher level than these properties and their amenity spaces. Additionally, the loss of existing on-street car parking spaces on North Campbell Road would only exacerbate the already congested situation. It is also considered that the southbound sightline from the new access is unacceptable due to the presence of parked cars.

(ii) Representations:

Twelve letters of objection have been received including a petition with 25 signatures opposed to the scheme.

(iii) Consideration of the Need for Discretionary or PAN 41 Hearing:

Not applicable. The application is recommended for refusal.

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

Not applicable.

(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, the application is recommended for refusal.

(viii) Has a sustainability Checklist Been Submitted:

No

**Angus J Gilmour
Head of Planning
27 October 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 21 October 2008
Date: 27 October 2008

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

REASONS FOR REFUSAL RELATIVE TO APPLICATION 08/00577/OUT

1. Having regard to the location of the application site on a narrow strip of 'green space' that acts as a buffer between an existing lower tier of residential development on Shore Road, Innellan and a higher tier of dwellings along North Campbell Road, the proposed dwellinghouse would not complement, but be at variance with the character of the immediate settlement pattern. The siting of four large detached dwellinghouses on this sloping and confined site to the rear of existing dwellinghouses on North Campbell Road would constitute settlement cramming and lead to unacceptable "*back-land development*", resulting in a poor standard of amenity for the existing dwellinghouses on North Campbell Road from *Braeside Terrace* to *Jane Villa*. Development on this 'green space' buffer between existing housing would result in a loss of privacy and amenity for adjacent residents and also remove meaningful amenity space from the existing dwellinghouse at *Cumbræ Cottage*, thereby diminishing the amenity, privacy and outlook that the occupants could reasonably expect to enjoy.

Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to: Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing— 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed.

2. Having regard to the scale, massing, design and siting of the proposed dwellinghouses within the narrow, confined and sloping site, in such close proximity to adjacent dwellinghouses, the proposed dwellinghouses (and in particular those on plots 1 and 2), would visually dominate the rear elevations and private amenity space of the dwellinghouse at *Cliff Cottage*, diminishing the amenity and privacy that the occupants of this dwellinghouse could reasonably expect to enjoy. The rear elevation of *Cliff Cottage* is located only 5 metres from the eastern boundary of the application site where the indicative footprint of the dwellinghouse on plot 1 is less than 4 metres from this boundary. Additionally, the house on plot 1 is shown with a total height of approximately 10 metres (from ground to ridge level) that would result in a difference in height of approximately 11.5 metres from ridge level to ridge level of *Cliff Cottage* below.

This unacceptable separation distance and height of the proposed dwellinghouses with main east facing elevations with projecting balconies would visually dominate and have a significant impact on the rear elevation and private rear amenity space of *Cliff Cottage*, and would therefore diminish the amenity, privacy and outlook that the occupants of *Cliff Cottage* could reasonably expect to enjoy.

Accordingly, such a development with its particular siting and layout would be contrary to Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed.

3. Having regard to the location of the application site on a narrow backland strip of sloping ground between existing dwellings, the proposed shared vehicular access between *Cumbræ Cottage* and *Jocks Lodge* would result in a ramped access that would mean that vehicles would be entering and exiting the application site at 10% resulting in a road level of approximately 1.0 metre higher than existing ground levels. The height of the new road would be comparable to the height of the top of the existing boundary wall on the southern side of *Jocks Lodge and Jane Villa* and higher than the garden of *Cumbræ Cottage*. Not only would the proposed access be at variance with the immediate settlement character that relies on on-street car parking but it would visually dominate and have a significant detrimental impact on the dwellinghouses and their amenity spaces at *Jocks Lodge, Jane Villa* and *Cumbræ Cottage* with additional safety and amenity concerns for occupants of these properties.

Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed.

4. Due to parked cars on the southern side of North Campbell Road adjacent to *Cumbræ Cottage*, the proposed vehicular access would have unacceptable southbound sightlines affecting driver and pedestrian safety. Additionally, the creation of the new access would remove valuable on-street car parking spaces from this already congested section of North Campbell Road, only exacerbating the existing situation. The proposed development is therefore contrary to Policy LP TRAN 4 of the Argyll and Bute Modified Finalised Draft Local Plan which requires private access regimes to be 'fit for purpose'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00577/OUT

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002: The following policies are applicable:

STRAT SI 1 '*Sustainable Development*' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources; respect the landscape character of an area and the setting and character of settlements; and avoid places where there is a significant risk of flooding.

STRAT DC 1 '*Development Within The Settlements*' encourages development on appropriate infill, rounding-off and redevelopment sites. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

STRAT HO1 – '*Housing – Development Control Policy*' C) encourages appropriate forms and scales of housing infill, rounding-off and redevelopment where it is consistent with STRAT DC1 -10. and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

The above policies are developed further in the Argyll and Bute Local Plan (Modified Finalised Draft) 2006.

(b) Cowal Local Plan 1993 (adopted 1995)

The application site is located within the settlement of Innellan and requires to be assessed against the following criteria:

POL HO8: 'Infill, Rounding-Off and Redevelopment' where infill, rounding-off and redevelopment will be encouraged related to the built form. Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse visual or environmental impact will normally be resisted.

Policy BE9 'Layout and Design of Urban Development' seeks to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council's design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.

(c) Argyll and Bute Local Plan (Modified Finalised Draft) June 2006

The site is located within the small town and village settlement of Innellan, where the following policies are applicable:

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (*Design of New Housing in Settlements, Sustainable Siting and Design Principles*). Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites will be resisted.

Policy LP HOU1 '*General Housing Development*' states a general presumption of favour of housing within the settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both the Structure and Local Plan.

Policy LP TRAN 1 '*Public Access and Rights of Way*' seeks to safeguard public rights of way, core paths and important public access routes.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out requirements for development in respect of private access regimes.

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

(d) National Guidance

- a) Scottish Planning Policy SPP1 “The Planning System”; *One of the goals of SPP1 includes the promotion of ‘sustainable development’. “The planning system guides the future development and use of land in towns in the long term public interest. The aim is to ensure that development occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development”....The architectural design, siting and setting of development in its surroundings are valid concerns of the planning system”.*
- b) Scottish Planning Policy SPP3 “Planning for Housing”: *“Working with architects and developers should aim to produce schemes which enrich the built environment. They should pay careful attention to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, and the characteristics of local design, adjacent buildings and the surrounding area. Developers may set out their approach on these matters in a design statement as supporting material for a planning application (para 11)..... Planning authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas. Care should be taken that the individual and cumulative effects of infill can be sustained by the social and economic infrastructure and do not lead to over-development. These principles apply equally to development in the gardens or grounds of existing houses or on back-land sites in urban, suburban or village locations (para 34).*
- c) Planning Advice Note 67 - ‘Housing Quality’ advise that, *“the design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area. The combination of layout of buildings, streets and spaces should create local identity, and contribute positively to the character of towns and villages”. Furthermore, “new housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural and built features.”*
- d) Planning Advice Note 68 – ‘Design Statements’; *Local authorities should encourage applicants to consider how increased value, and sustainability, can result from good design. The submission of a design statement allows officials to see the extent of analysis, as well as the quality of thought, time and effort which has been dedicated to developing the scheme...Design is a material consideration in determining planning applications. Councils may refuse an application, and defend their decision at appeal, solely on design grounds.*
- e) ‘A Policy Statement for Scotland - Designing Places’; *Good design creates places that work.....sometimes the costs of a poorly designed development falls on people other than those who commissioned, designed or built it..*

This advice is substantially incorporated in the Council's adopted and emerging Development Plan policies.

(ii) SITE HISTORY

There have been previous applications regarding the applicant's own dwellinghouse Cumbrae Cottage:

- Planning permission (ref. 04/02399/DET) for the demolition of porch and erection of rear extension and external alterations was granted on 24th December 2004. Implemented.
- An application (ref. 04/02463/DET) for the erection of a 2-storey detached annexe was withdrawn on 2nd June 2005.
- Planning permission (ref. 05/01095/DET) for the erection of a single storey detached annexe was granted on 4th July 2005. Not yet implemented

(iii) CONSULTATIONS

Area Roads Manager (response dated 15th July 2008): No objections subject to conditions regarding maintenance of visibility splays, access design, creation of a turning area to serve the dwellings, car parking and provision of a street name plate. Advisory note regarding a Road Opening Permit.

Scottish Water (response dated 16th April 2008): Advisory comments. Unable to reserve capacity at this stage. Comments regarding mains water supply but comments are based on provision of septic tanks to serve the development.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a *Potential Departure* to policies POL HO8 and BE9 of the Cowal Local Plan 1993, advertisement published 18th April 2008 (expiry date 9th May 2008) and under Article 9 Advertisement. Twelve letters of objection have been received from 8 households:

- Ms Patricia McCabe, *Davidson Place*, 15b North Campbell Road, Innellan (letter dated 27th March 2008)
- Iain and Ruth Ross, *Cliff Cottage*, Shore Road, Innellan (letters dated 2nd April and 6th October 2008)
- Neil McMaster, *Jocks Lodge*, North Campbell Road, Innellan (letters dated 3rd April and 30th September 2008)
- Karen and Andrew Mitchell, *Glencairn*, 14 North Campbell Road, Innellan (letter dated 4th April 2008)

- Mr and Mrs D Thomson, 5 Braeside Terrace, Innellan (letters dated 7th April and 3rd October 2008);
- Alan and Emily Forrest, *Jane Villa*, North Campbell Road, Innellan (letters dated 8th April and 3rd October 2008);
- Ms T Duffy and Mr A McGill, *1 Royal Cottage*, North Campbell Road, Innellan (letter dated 23rd April 2008)
- Harry James Revie and Margaret Revie, *Revie*, 2 Braeside Terrace, North Campbell Road, Innellan (letter dated 6th May 2008);

Additionally, a petition with 25 signatures expressing objection was received on 7th and 8th May 2008. A summary of the concerns and issues raised is as follows:

- *Proximity of proposed buildings to existing buildings.*
- *Owners of Jane Villa concerned about loss of privacy to house and garden areas from development and in particular to the main access road running past their property.*
- *Proposals are inconsistent with surrounding character and density. Proposed dwellinghouses appear out of character in the area.*
- *Owners of downhill property Cliff Cottage are concerned about loss of and invasion of privacy, potential for landslides and ground conditions, pollution, noise and dust and removal of habitat. Revised drawings indicate two storey dwellings (instead of dormer bungalows) which will have grandstand views of this downhill property.*
- *Owners of Jocks Lodge state that the boundary wall is structural as it supports access to this building and would require substantial buttressing to take the load for access to the site. This does not appear to have been addressed in the drawings.*
- *New access is potentially dangerous and out of character within the immediate area. Line of sight is questioned. Residents are of the opinion that the proposed access to the development does not have a clear view of oncoming traffic, especially with parked cars obstructing oncoming traffic. The entrance is right over the brow of a hill and does present a danger. Drawings for proposed access regarding gradient and infill do not appear to have addressed the subject properly.*
- *Existing site is wooded and home to many species of wildlife. No indication of replanting that would sustain existing wildlife levels.*
- *North Campbell Road is very congested at present and losing up to four car parking spaces for the new access to be created is not acceptable. The applicants do not have any off street parking to serve Cumbrae Cottage where their two cars are parked on North Campbell Road. Potential for further congestion on one-way North Campbell Road during construction period. Ability to access the site from North Campbell Road during construction.*
- *Access to Jane Villa has been omitted from the plans. This is a Right of Way and not owned by the applicants. The access road interrupts the right of way to current property owners and an access to their front entrances and gardens.*
- *Concern over drainage of the site with increased run-off by virtue of an increase in hard surfaces.*
- *Proposed loop road could be used as a pedestrian shortcut to the steps on the southern end of the site.*
- *Potential for damage to adjacent older properties where subsidence has taken place in the past.*

Comment – Refer to Assessment below.

(v) Applicant's Supporting Information

While no formal 'Design Statement' has been lodged in support of the scheme, the applicant has provided some information on ownership of the site and in particular to the mutual access lane and boundary walls. The applicant claims that he "owns the boundary wall and half the mutual access lane that borders Braeside Terrace, Davidson Place and Cumbrae Cottage. The mutual access lane will be replaced by the shared access road and Jane Villa will be allowed to use this Right of Way (Cumbrae View has blocked their entrance to the access lane for security reasons..... I also own half the boundary wall from Jock's Lodge down to the boundary of Cliff Cottage, this wall will not be touched or damaged or cause any problem to Jock's Lodge boundary."

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00577/OUT

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the adopted Cowal Local Plan, the proposal is located within the settlement of Innellan covered specifically by Policies HO8 and BE9. Policy HO8 'Infill, Rounding Off and Redevelopment', encourages such development related to the built form. Policy BE9 'Layout and Design of Urban Development' expects high standard of layout and design where issues such as privacy, light, parking and access should all be satisfactorily addressed. Policies contained in the Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan allow for appropriate infill, rounding-off and redevelopment within settlement zones. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

Given the indicative siting and scale of the four dwellinghouses, in relation to the existing tier of development along North Campbell Road from Braeside Terrace to Jock's Lodge and Jane Villa, it is considered that the proposal would represent settlement cramming that would result in the introduction of an additional tier of development, served by a shared access that would be contrary to the immediate settlement pattern.

Given that the proposal would result in four dwellinghouses within a narrow backland strip between existing properties that cannot be regarded as appropriate infill, rounding-off or redevelopment, the proposal would be contrary to policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan, policies POL HO8 and POL BE9 of the adopted Cowal Local Plan and policy LP HOU 1 of the Argyll and Bute Modified Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site lies between two existing tiers of residential development on Shore Road and North Campbell Road, Innellan. The application site is at a lower level than North Campbell Road where it falls in stages eastwards then drops steeply over the cliff face towards dwellings on the lower tier fronting Shore Road. The application site is currently overgrown with a mixture of mature shrubs and trees, although the pedestrian footpath, which is bounded by a mixture of traditional random rubble and rendered walls, is maintained and used as a service lane to properties from Braeside Terrace to Jane Villa. The application site also includes part of the side and rear garden of Cumbrae Cottage (the home of the applicants).

The surrounding settlement character is typified by a line of assorted dwellings along Shore Road with sloping undeveloped green space (i.e. the application site) splitting the upper tier of assorted dwellings off North Campbell Road. To the south of the application site lies the site of the former Royal Hotel Site where permission has been granted for five villas. This is the only exception to established two-tier development in this part of Innellan. The settlement character is not only typified by two-tier development but of a range of dwellings with generous front and rear amenity spaces, where buildings are not immediately fronting Shore Road or North Campbell Road.

The application site comprises a long narrow strip (approximately 100 metres long and 23 metres wide with a 35 metre long 6-metre wide shared vehicular access from North Campbell Road) extending from land to the rear of 1 Braeside Terrace northwards to an existing dwellinghouse at Jock's Lodge. Braeside Terrace comprises six modern semi-detached two-storey dwellings that are angled towards the eastern boundary of the application site that includes a grassed lane that runs from the public steps (between Shore Road and North Campbell Road) northwards up to Jane Villa. Davidson Place comprises a traditional two-storey flatted block with four flats within and sited parallel to this footpath. Cumbrae Cottage is a traditional split-level extended cottage fronting North Campbell Road but would lose part of its side and rear garden areas to provide vehicular and pedestrian access to the site. Jock's Lodge is a traditional split-level cottage fronting North Campbell Road. Jane Villa is a traditional one-and-a-half-storey design, set back from North Campbell Road and within the established building line with the dwellings at Braeside Terrace and Davidson Place. Whilst the lower tier of dwellings on Shore Road is located well below the application site, Cliff Cottage sits slightly back and higher than the established row of dwellings. This one-and-a-half-storey traditional dwellinghouse is located some 7 metres from the eastern boundary of the application site.

In terms of access and due to topography, the majority of adjacent dwellings have no in-curtilage car parking spaces and rely solely on North Campbell Road (one-way northwards) for on-street car parking. Indeed, the applicant's own dwellinghouse Cumbrae Cottage has no off-street car parking and relies on North Campbell Road for parking.

(ii) Development Layout

The proposal comprises a development of four detached dwellings all sharing a new single vehicular and pedestrian access from North Campbell Road at the north end of the site between Cumbrae Cottage and Jock's Lodge. Indicative plans, sections and elevations have been provided. The new access would run downhill from North Campbell Road into the site where the four detached split-level two-storey dwellinghouses would be located in linear fashion. A shared turning area would be located in the middle portion of the site with two houses on each side. The topography of the site dictates a split-level design where the dwellinghouses would be accessed via bridge decks but this also involves a significant amount of underbuild. Car parking for two cars for each of the dwellinghouses would be located to the front (west) of each house off the access road. The indicative proposals show four identical pitched and gabled modern chalet-style houses with main elevations facing west and east. Projecting balconies are also shown from upper level lounges on the rear (east) elevations. Garden areas are shown for each of the dwellings but the main rear areas are very close to the cliff edge and steeply sloping.

Indicative details show that the dwellinghouses proposed would have similar rectangular footprints (approximately 10 x 9 metres) and set 10 metres apart from each other and approximately 24 metres distant from nearest housing at Davidson Place and Braeside Terrace, but approximately 13 metres from the rear of Cliff Cottage [*comparisons of proposed layouts indicate that there may be discrepancies in the submitted drawings but measurements have been taken from Ordnance Survey extracts*].

A 6-metre section of wall will be removed beside Cumbrae Cottage to create the new vehicular access. The new access is shown wide enough at the entrance to allow two cars to pass with a further passing place located on the bend into the main part of the site. No details have been submitted to indicate proposed levels of infill or height of new access road that would appear to be at the level of the boundary wall of Jocks Lodge and higher than the garden area of Cumbrae Cottage.

(iii) Assessment

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) where a high standard of appropriate design is expected in accordance with the Council's design principles set out in Appendix A. Development layout and density shall effectively integrate with the urban setting of the development. Developments with poor quality or inappropriate layouts including over-development and over-shadowing of sites will be resisted. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of 'Design of New Housing in Settlement Zones', compatibility with existing nearby development and ensuring a positive contribution to the townscape of the area will be important factors in the Council's general requirement for a high standard of design should take the following advice into account:

Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements'

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise.

4.2 As a general principle all new proposals should be designed taking the following into account:

- *Location: new housing must reflect or recreate the traditional settlement pattern or built form and be sympathetic to the setting of landmarks, historical features or views of the local landscape.*

The application site lies between two existing tiers of residential development on Shore Road and North Campbell Road, Innellan. Given the proposal to develop a backland strip of 'green space' that effectively acts as a buffer to separate existing tiers of development, it is considered that the proposed development does not reflect the existing adjacent settlement pattern but merely attempts to cram four large detached dwellings into a narrow confined and sloping site. The introduction of an additional tier of housing development in close proximity to existing dwellings would be contrary to the existing established two-tier development pattern.

- *Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*
- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq m); semidetached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.*
- *Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour, materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.*

In terms of 'Back-land Development 11.1-11.3', *back-land development is described as new development behind a row or group of buildings and normally accessed by a separate access. Back-land development needs*

to take account of the existing settlement character and requires to be designed to maintain the privacy and amenity of the original property while allowing for an appropriate and safe vehicular and pedestrian access. Planning applications for back-land sites should include details that clearly indicate the siting, aspect, and height of the building and proposed and existing accesses.

The proposed layout of the four detached dwellinghouses does not reflect the local character and density and in particular, the dwellings on plots 1 and 2 result in development very close to the eastern boundary of the site with potential for overlooking the downhill property *Cliff Cottage*. The rear elevation of *Cliff Cottage* is located only 5 metres from the eastern boundary of the application site where the indicative footprint of the dwellinghouse on plot 1 is less than 4 metres from this boundary. Additionally, the house on plot 1 is shown with a total height of approximately 10 metres (from ground to ridge level) that would result in a difference in height of approximately 11.5 metres from ridge level to ridge level of *Cliff Cottage* below.

Furthermore, whilst all of the proposed plots are indicatively shown more than 18 metres from housing on the western side of the site, these properties will still suffer from a loss of privacy and visual domination from the development and its access that would significantly alter the semi-rural character of the area.

Additionally, the size of each plot with large building footprint results in a high plot density (approximate average of 50% against the preferred 33%) that is not typical of the surrounding area. Furthermore, the topography of the site and amenity spaces left over from the built areas of each plot results in an unacceptable amount of meaningful amenity space to support development of this scale where all of the plots and their gardens would be on steep slopes. The limited dimensions of this backland site and fixed nature of the access road do not allow for adjustment to plot sizes to create improved separation distances between dwellings or an alternative layout.

While this application is in outline only at this stage, the applicant has appointed consultants to provide indicative design details to give a better idea of what type of housing could be accommodated on site. The indicative proposal suggests four similar detached chalet style split-level dwellinghouses, all accessed via a bridge deck from the western side of the site. While the applicant has stated that he is applying for four one-and-a-half-storey dwellinghouses, his agent has produced a scheme depicting four detached two-storey dwellinghouses with significant underbuild. Indicative materials are a mixture of buff reconstituted stone, render and cladding panels for the walls and grey concrete roof tiles.

Notwithstanding the suitability of this site for residential purposes, the proposals represent a development that would not be in keeping with the character and scale of the surrounding area. While typified by a wide variety of house types, the proposal would result in visually dominant features when viewed from the east or more significantly from the west where the scale, siting and design of the proposed dwellings would be at odds with neighbouring properties.

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

The Area Roads Engineer has expressed no objection subject to conditions regarding maintenance of visibility splays but makes no mention of the current congestion problems that exist on North Campbell Road due to the lack of in-curtilage car parking that is characteristic of the immediate settlement pattern. Conditions are recommended in respect of the access design and gradient which although shown to be very steep at the entrance on the proposed drawings are not supported by detailed drawings to indicate infill, gradient sections and height of road in relation to surrounding properties and their amenity spaces. The sloping access serving the site of four dwellings with potential for ten car parking spaces has the capacity to result in a loss of amenity and privacy in addition to safety issues for residents in adjacent properties, in particular *Jocks Lodge*, *Jane Villa* and *Cumbræ Cottage*.

The proposed shared vehicular access between *Cumbræ Cottage* and *Jocks Lodge* would result in a ramped access that would mean that vehicles would be entering and exiting the application site at a gradient of 10% resulting in a proposed road level approximately 1 metre higher than existing ground levels. This would be comparable to the height of the top of the existing boundary wall on the southern boundary of *Jocks Lodge* and *Jane Villa* and higher than the garden of *Cumbræ Cottage*. Not only would the proposed access be at variance with the immediate settlement character that relies on on-street car parking but it would visually dominate and have a significant detrimental impact on the dwellinghouses and their amenity spaces of the dwellinghouses at *Jocks Lodge*, *Jane Villa* and *Cumbræ Cottage* with additional safety and amenity concerns for occupants of these properties.

Notwithstanding this lack of detailed information, the main concern is one of visibility when exiting the site. Many of the objectors have commented on this aspect and the department shares and support their views in that traffic leaving the site will not be able to see clearly beyond the line of parked cars on the south side of

North Campbell Road. The existing 20mph speed limit on this stretch is advisory only and is still within an urban 30mph speed restriction.

Additionally the loss of existing on-street car parking spaces to create the new access will only exacerbate the already congested situation. For these reasons, the department does not concur with the view taken by Roads and on the basis of poor southbound visibility and loss of car parking spaces consider that the proposal would be contrary to policy LP ENV 19 (and LP TRAN 4 below).

In terms of the applicants' proposal to build across an existing right of way, the applicant has indicated that he owns only half of the footpath and boundary walls but this is considered to be a civil matter between affected parties.

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

Scottish Water has no objection to the provision of a water supply to serve the development but comment that there may be capacity issued that can only be resolved at a detailed stage. Indicative drawings have been submitted in respect of a foul sewerage system and soakaway system for surface water drainage.

The proposal would be contrary to Policy LP ENV 19 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) in respect of a poorly sited group of dwellinghouses that do not pay due regard to the existing settlement character, topography and design, siting and proximity of adjacent dwellings and their amenity spaces. Development of this narrow, confined and sloping site for residential purposes could have the capacity to dominate existing dwellings in close proximity leading to potential problems of overlooking, loss of privacy and visual dominance by virtue of inappropriate scale, design and siting. Furthermore, the development could give rise to potential safety problems in respect of visibility and exacerbate the existing congested on-street car parking situation.

C. Road Network, Parking and Associated Transport Matters

As mentioned in Section B above, the Area Roads Engineer has expressed no objection subject to conditions regarding maintenance of visibility splays but suggests conditions in respect of the access design and gradient. The details submitted in support of this proposal do not include detailed sections to indicate how the new access will relate to adjacent properties and in structural terms. For this reason, the proposal is considered to be contrary to policy LP TRAN 4 in respect of the proposed access.

The main concern on the basis of submitted information is visibility when exiting the site. Many of the local residents have commented on this aspect and the department shares and support their views in that traffic exiting the site will not be able to see beyond a line of parked cars on the south side of North Campbell Road. The existing 20mph speed limit on this stretch is advisory only and is still within an urban 30mph speed restriction. While Roads have expressed no objections on the basis of maintaining sightlines of 20m in each direction from a 2m setback, any cars parked in front of Cumbrae Cottage (i.e. the applicants' house) will obscure visibility southbound and vehicles will be entering North Campbell Road blind. For this reason, the department does not concur with the view taken by Roads and consider that the proposal would be contrary to policy LP TRAN 4 in respect of an unacceptable sightline. Additionally, the loss of existing on-street car parking spaces to create the new access (and potentially marking areas for no parking to improve southbound visibility) will only exacerbate the already congested situation.

On the basis of the above, the proposal is considered inconsistent with the provisions of Policies LP TRAN 4 and TRAN 6 in respect of poor southbound visibility and impact on existing on-street car parking provision.

D. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water have no objection to the provision of a water supply to serve the development but comment that there may be capacity issued that can only be resolved at a detailed stage. Whilst no details have been submitted at this stage, an indicative surface water drainage scheme is proposed with individual soakaways.

On the basis of the above, the proposal is considered consistent with the provisions of Policy POL PU 1 of the Cowal Local Plan 1993 and Policies SERV1 and SERV2 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006).

CONCLUSION

Development of this narrow backland site for four detached dwellinghouses would result in the introduction of an additional tier of development within the immediate settlement and result in an unacceptable development close to existing dwellings. The siting of four dwellinghouses in such close proximity to existing dwellings from *Braeside Terrace* to *Jocks Lodge/Jane Villa* and *Cliff Cottage* would result in over-development and settlement cramming that would have an adverse impact on the privacy and amenity of neighbouring properties and would not relate to the existing built form. Given the siting and indicative two-storey design, the proposed development could not be regarded as appropriate infilling, contrary to Policy HO 8 of the adopted Cowal Local Plan and Policy LP HOU 1 within the emerging Argyll and Bute Modified Finalised Draft Local Plan.

Additionally, issues concerning over-development, siting, loss of privacy, visual dominance and settlement character have been raised by neighbouring residents and supported by the department. The proposal is contrary to both the Argyll and Bute Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan since the four dwellinghouses proposed cannot be regarded as appropriate infill development where the development would result in settlement cramming and would overwhelm the townscape character of the immediate area.

Furthermore, the proposed shared private access from North Campbell Road would result in the introduction of a new access road to the rear of existing properties that would result in a loss of privacy and amenity in addition to potential road safety concerns in terms of unacceptable southbound sightlines and loss of existing on-street car parking provision.

Such a development with its particular siting, layout, scale and access would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to SPP 3 Planning for Housing; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV19 'Development Setting, Layout and Design' (including Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements') and LP HOU 1 'General Housing Development' of the Argyll and Bute Modified Finalised Draft Local Plan, all of which presume against the nature of the development proposed and does not justify the grant of planning permission.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00577/DET**

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Development Services, Argyll and Bute Council,
Kilmory, Lochgilphead, Argyll, PA31 8RT

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DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL

Ward Number - 7 Dunoon
 Date of Validity - 1st August 2008
 Committee Date - 4th November 2008

Reference Number:	08/01421/DET
Applicants Name:	D M Rentals
Application Type:	Detailed
Application Description:	Demolition of detached garage, erection of two dwellinghouses, formation of car parking and vehicular access
Location:	Garden ground of 58 McArthur Street, Dunoon

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of two two-storey semi-detached dwellinghouses (pitched and gabled roofs, white render and grey concrete roof tiles)
- Formation of new vehicular accesses with turning areas

(ii) Other specified operations.

- Connection to public water supply and waste water network;
- Demolition of detached garage.

(B) RECOMMENDATION

It is recommended that planning permission be **granted** subject to the conditions, reasons and notes to the applicant set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan 1993, the application site is located within the settlement of Dunoon and covered primarily by policies HO8 'Infill, Rounding-Off and Redevelopment' and BE9 'Layout and Design of Urban Development'. In the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), the application site is located within the main town settlement of Dunoon and covered primarily by policies LP ENV 19 'Development Setting, Layout and Design' and LP HOU1 'General Housing Development'.

The proposal is considered consistent with the adopted Cowal Local Plan in respect of the erection of two semi-detached dwellinghouses within a large rear garden area where the design and scale of the dwellinghouses seeks to replicate adjacent types. The proposal is also considered to be consistent with policies in both the Argyll and Bute Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan since the two dwellinghouses can be regarded as appropriate infill development where the development is considered to meet appropriate technical standards and would not overwhelm the townscape character of the area.

Neither Scottish Water nor Roads has any objections to the scheme subject to conditions and advisory notes. The valid planning concerns of the two objectors have been addressed in the report.

Given all of the above, it is considered that the proposed development is appropriate infill development that is consistent with the immediate settlement pattern, and would not unduly impact on the amenity and privacy of neighbouring properties. The remaining amenity space for the existing house at 58 McArthur Street is considered to be acceptable while the level of

amenity space, plot density and separation distances for the proposed dwellinghouses are considered to be consistent with the terraced units in Glenallan adjacent. For these reasons the proposal is considered to accord with policies contained in the Argyll and Bute Structure Plan, Cowal Local Plan, Argyll and Bute Modified Finalised Draft Local Plan and National Guidance.

(ii) Representations:

Two letters of objection have been received.

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

Since only two objections have been received and the relevant planning concerns addressed in this report, it is recommended that no hearing is required.

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

Not applicable.

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

No.

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

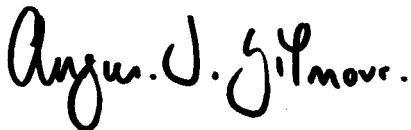
No.

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

Not required.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
27 October 2008

Author: Brian Close 01369 708604
Reviewing Officer: David Eaglesham 01369 708608

20 October 2008
27 October 2008

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 08/01421/DET

1. That the development to which this permission relates must be begun within five years from the date of this permission.

Reason: *in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.*

2. Development shall not begin until details of existing site levels and proposed finished floor levels have been submitted to and approved in writing by the Planning Authority. Details shall include existing and proposed levels in relation to 1 Glenallan to the north.

Reason: *To ensure that the proposed development is built in accordance with the approved drawings.*

3. Prior to the commencement of any construction works, samples of all external finishes and roof coverings shall be submitted for the written approval of the Planning Authority.

Reason: *In the interest of visual amenity and to help integrate the proposal within its surroundings.*

4. **No development shall commence, including any site works,** until details are submitted for the prior written approval of the Planning Authority of a surface water drainage scheme that shall incorporate the basic principles of *Sustainable Urban Drainage Systems* identified in 'Planning Advice Note 61' and which shall provide details of surface water run off, measures to slow down run off; methods of treatments and its release into the system, unless prior written consent for variation is obtained in writing from the Planning Authority. The scheme, as may be approved shall be implemented commensurate with this development at a timescale as may be agreed in writing with the Planning Authority.

Reason: *In order to provide for sustainable development of the site, and to protect existing and proposed development from the effects of potential increased surface water run-off.*

5. Prior to the first occupancy of the dwellinghouses hereby approved, parking for two vehicles and suitable turning area (as shown on approved drawing no. 1:200 Block Plan 875.01F received 19th September 2008) shall be provided for each dwellinghouse and thereafter be retained in perpetuity for such a dedicated purpose.

Reason: *In the interests of providing off-street car parking provision and to ensure that the car parking area provided in the forecourts integrates sympathetically with the amenity space of the application property and those in the surrounding area.*

6. Prior to the first occupancy of any of the units hereby approved, the vehicular access shall be constructed as per Fig 10.16 of the Council's Development Guidelines and shall be a minimum width of 2.75 metres wide with a sealed surface for the first 2.5metres behind the footway and the gradient of the driveways shall not exceed 5% for the first 2.5 metres or 8% for the remainder.

Reason: *In the interest of traffic and pedestrian safety.*

7. Visibility splays of 35 x 2.5 metres in both directions shall be maintained in perpetuity free from all obstructions (i.e. front boundary wall, fences, hedges) over one metre in height above the road level.

Reason: *In the interests of vehicular and public safety and in order to achieve required sightlines.*

8. Notwithstanding the provisions of Article 3 and Classes 1 (alterations, extensions, conservatories, etc.) and 2 (roof alterations) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilage of the dwellinghouses hereby permitted without the prior written consent of the Planning Authority.

Reason: *In order to safeguard the external design and amenity of the dwellinghouses and in respect of limited curtilages from development normally carried out without Planning Permission, normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.*

ADVISORY NOTES TO APPLICANT RELATIVE TO APPLICATION REF. 08/01421/DET

(i) *The applicant/developer is advised by Scottish Water that :*

- *In terms of planning consent, Scottish Water will not object to this application. However, please note that any planning approval does not guarantee a connection to our infrastructure until a satisfactory solution is identified;*
- *Loch Eck Water Treatment Works currently has capacity to service this proposed development;*
- *The water network that serves the proposed development is currently able to supply the new demand;*
- *Dunoon Careers Service 24 Argyll Street Waste Water Treatment Works currently has limited capacity to service this proposed development. The Developer should discuss the development directly with Scottish Water;*
- *Wastewater Network – Our initial investigations have highlighted that here may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water;*
- *In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable the development to connect. Should we become aware of any issues such as flooding, low pressures, etc. the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules;*
- *A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption;*
- *If the connection to public sewer and/or water main requires to be laid through land outwith public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.*

For the advisory notes above, the applicant/developer is advised to contact Scottish Water directly (Planning and Development Services, 419 Balmore Road, Glasgow G22 6NU, Susan Miller, Customer Connections, Tel. 0845 601 8855 or at www.scottishwater.co.uk)

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01421/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002: The following policies are applicable:

STRAT SI 1 '*Sustainable Development*' includes policies to conserve the built environment and avoid significant adverse impacts on built heritage resources; respect the landscape character of an area and the setting and character of settlements; and avoid places where there is a significant risk of flooding.

STRAT DC 1 '*Development Within The Settlements*' encourages development on appropriate infill, rounding-off and redevelopment sites. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming.

STRAT HO1 – '*Housing – Development Control Policy*' encourages appropriate forms and scales of housing infill, rounding-off and redevelopment where it is consistent with STRAT DC1 -10. and D) encouragement will be given to innovative and sympathetic housing development layout and designs appropriate to their settings. Overly suburbanised forms of development are unlikely to be accepted in minor settlements.

(b) Cowal Local Plan 1993 (adopted 1995)

The application site is located within the settlement of Dunoon and requires to be assessed against the following criteria:

POL HO 8: 'Infill, Rounding-Off and Redevelopment' encourages infill, rounding-off and redevelopment related to the built form. Proposals which do not relate to the existing built form will be assessed for servicing and environmental implications. Those considered to have an adverse visual or environmental impact will normally be resisted.

Policy BE 9 'Layout and Design of Urban Development' seeks to achieve a high standard of layout and design where new urban developments are proposed. Proposals should have regard to the Council's design guidelines and development standards where other amenity issues such as privacy, light, parking and access should also be satisfactorily addressed.

(c) Argyll and Bute Local Plan (Modified Finalised Draft) June 2006

In the Argyll and Bute Modified Finalised Draft Local Plan June 2006 the site is located within the main town settlement of Dunoon, where the following policies are applicable.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design in association with Appendix A of the Plan (*Design of New Housing in Settlements, Sustainable Siting and Design Principles*). Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites will be resisted.

Policy LP HOU1 – '*General Housing Development*' states a general presumption of favour of housing within the settlements except where there is an unacceptable environmental, servicing or access impact. Housing developments are also subject to consistency with other policies of both the Structure and Local Plan.

Policy LP TRAN 4 '*New and Existing, Public Roads and Private Access Regimes*' sets out requirements for development in respect of private access regimes.

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

(d) National Guidance

Scottish Planning Policy SPP1 “The Planning System”; *One of the goals of SPP1 includes the promotion of ‘sustainable development’. “The planning system guides the future development and use of land in towns in the long term public interest. The aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development”....The architectural design, siting and setting of development in its surroundings are valid concerns of the planning system”.*

Scottish Planning Policy SPP3 “Planning for Housing”: *“Working with architects and landscape architects, developers should aim to produce schemes which enrich the built environment. They should pay careful attention to siting, density, scale, massing, proportions, materials, landscape setting, access arrangements, and the characteristics of local design, adjacent buildings and the surrounding area. Developers may set out their approach on these matters in a design statement as supporting material for a planning application (para 11)..... Planning authorities should ensure that infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas. Care should be taken that the individual and cumulative effects of infill can be sustained by the social and economic infrastructure and do not lead to over-development. These principles apply equally to development in the gardens or grounds of existing houses or on back-land sites in urban, suburban or village locations (para 34).*

Planning Advice Note 67 - ‘Housing Quality’ advise that, *“the design of a successful place will begin with understanding how new housing can be connected to the settlement patterns of an area. The combination of layout of buildings, streets and spaces should create local identity, and contribute positively to the character of towns and villages”.* Furthermore, *“new housing should take account of the wider context and be integrated into its wider neighbourhood, where issues to consider include the topography of the site and its relationship to adjacent sites and natural and built features.”*

Planning Advice Note 68 – ‘Design Statements’; *Local authorities should encourage applicants to consider how increased value, and sustainability, can result from good design. The submission of a design statement allows officials to see the extent of analysis, as well as the quality of thought, time and effort which has been dedicated to developing the scheme...Design is a material consideration in determining planning applications. Councils may refuse an application, and defend their decision at appeal, solely on design grounds.*

‘A Policy Statement for Scotland - Designing Places’; *Good design creates places that work..... good design is a key to achieving social, economic and environmental goals of public policy.....sometimes the costs of a poorly designed development falls on people other than those who commissioned, designed or built it..*

This advice is substantially incorporated in the Council’s adopted and emerging Development Plan policies.

(ii) SITE HISTORY

Planning permission (ref. 04/00658/DET) for the demolition of an extension and erection of rear extension and access ramp was approved on 6th May 2004 and has now been implemented.

An application (ref. 08/00492/DET) for the demolition of detached garage, erection of 3 dwellinghouses and formation of driveway car parking was withdrawn on 14th April 2008 due to concerns regarding over-development of the site.

A subsequent application (ref. 08/01017/DET) for the demolition of detached garage, erection of two dwellinghouses, formation of car parking and vehicular accesses was withdrawn on 4th August 2008 due to inappropriate rear garden car parking areas.

(iii) CONSULTATIONS

Area Roads Manager (response dated 15th September 2008): No objections subject to conditions regarding visibility splays, access design, car parking and turning provision and advisory note regarding a Road Opening Permit.

Scottish Water (response dated 7th August 2008): No objections in principle but advice regarding water mains and sewerage connections. Potential limited capacity in respect of wastewater system and developer to contact Scottish Water regarding improvements to existing infrastructure.

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedures and Potential Departure advertisement (expiry date 5th September 2008), two letters of representation have been received from R MacDonald, 56 McArthur Street, Dunoon (letter dated 4th September 2008) and from Angus And Jean MacKay, 145 Alexander Street, Dunoon (letter dated 3rd September 2008). The points raised can be summarised as follows:

- i. *The owner of the house at 56 McArthur Street feels that the quality of his property and lifestyle will be adversely changed if this project goes ahead and comments that*
 - (a) *Building projects within existing gardens should be condemned as they decrease green space and habitat;*
 - (b) *Large area of hardstanding will cause run-off to this property;*
 - (c) *Privacy will be diminished by overlooking from upstairs windows;*
 - (d) *Property will be dominated by this new building and openness of property will be compromised*
 - (e) *Great disruption caused by building project;*
 - (f) *Resale value of my property will decrease;*

- ii. *The owners of the flat at 145 Alexander Street feel that this is an unnecessary development to a long established garden and totally unacceptable for this area comments that:*
 - (a) *This is a major over-development of the site, a view shared by many neighbours;*
 - (b) *This area of Alexander Street suffers from traffic congestion due to the existing access of this property. There are traffic restrictions in place and this proposal for two additional accesses will only exacerbate the situation;*
 - (c) *Proposed development is close to a busy road junction which is also a bus route;*
 - (d) *Extra traffic will increase noise and air pollution in the area;*
 - (e) *Occupants of 4 houses opposite all have small children and any increase in traffic would increase the danger of children being involved in a road traffic accident;*
 - (f) *When we purchased the house in 1988, a major factor to buy was the view which would now be obstructed and also affect the market value;*
 - (g) *Long established shrubs, bushes, hedges and garden ground would disappear. Appears to be no greenery to compensate for this;*
 - (h) *Guarantee that this development would not have any detrimental impact on services provided by Scottish Water could cause problems with drainage, change to water pressure of flooding to adjacent ground.*

For all of the relevant planning points, refer to assessment below. Matters such as loss of property value and loss of views are not considered to be material planning considerations.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant's agent has submitted a Design Statement that states that the development is for a modest infill development aimed at meeting the need for affordable accommodation for first time buyers within an area which has a mixture of rented and owner occupied dwelling, with property values reflecting this mix. The prevailing architecture in the surrounding area is typified by a wide range of house types. The ridge level of the proposed semi-detached block would form a transition between the higher ridge of 1-3 Glenallan and the lower ridge of 58 McArthur Street. The external finishes are sympathetic with those of adjoining dwellings and the houses are designed with ramp access, accessible shower room and space for future stair lift installation. The development has been designed to comply with current regulations for sustainability, energy efficiency and energy conservation. A balance between the need for off-street car parking spaces and a soft landscaped area has been struck with the introduction of 'grassblock' slabs to the front garden and driveways. The rear garden will be lawn with paving slabs to the rear doors and bin stores.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01421/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the adopted Cowal Local Plan, the application site is located within the settlement boundary of Dunoon where Policy HO8 offers support for infill, rounding-off and redevelopment related to the existing built form.

Policies contained in the Structure Plan and Argyll and Bute Modified Finalised Draft Local Plan allow for appropriate infill, rounding-off and redevelopment within the settlement zones.

This part of Dunoon is characterised by linear residential development along Alexander Street and McArthur Street with a wide range of building styles and heights, where buildings are typically set back from the heel of the kerb. The width of the plot and proposed footprint represents a proposal that would be consistent with adjacent plot densities and layout.

It is considered that the proposal would be appropriate infill development and consistent with POL HO8 of the adopted Cowal Local Plan, STRAT DC1 and HO1 of the Argyll and Bute Structure Plan and Policy LP HOU 1 of the Argyll and Bute Modified Finalised Draft Local Plan.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The proposal is a detailed application for the erection of two semi-detached dwellinghouses within the rear garden area of a traditional detached dwellinghouse at 58 McArthur Street on the junction of Alexander Street and McArthur Street, Dunoon. The subject property is a traditional single-storey cottage with rear extension. The existing garden contains a single storey garage/outbuilding with vehicular access from Alexander Street and the site is bounded by a combination of stone and rendered boundary walls with hedges.

This dwellinghouse is located within the established line of similar dwellings on the northern side of McArthur Street. This corner plot has a large rear garden area that extends some 20 metres from the rear of the dwellinghouse towards a two-storey terraced block at 1-3 Glenallan. On the western side of Alexander Street, lies a traditional two-storey flatted block and more modern two-storey terraced housing.

(ii) Development Layout

The proposal involves the demolition of the garage/outbuilding and reconfiguring the car parking spaces serving the existing dwellinghouse at 58 McArthur Street. This aspect of the development, while necessary to make room for the main proposal either does not constitute development, could be 'permitted development', or by planning condition.

The proposal involves the erection of two two-storey semi-detached dwellinghouses. The dwellinghouses are of simple design and would have pitched and gabled roofs. The dwellinghouses would be finished in a white render with concrete roof tiles.

Two new tandem vehicular access driveways are proposed from Alexander Street where a turning area would be provided in front of each dwellinghouse. Connections are to be made to the public water and wastewater systems.

The proposal must be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) where a high standard of appropriate design is expected in accordance with the Council's design principles. Development shall be sited and positioned to pay regard to the context within which it is located. Development layout and density shall effectively integrate with its setting. This is further explored in Appendix A Sustainable Siting and Design Principles where in terms of 'Design of New Housing in Settlements 4.1 and 4.2', the design and construction of new dwellings must be compatible and consolidate the existing settlement and should be designed taking the following advice into account:

- *Location – new housing must reflect the traditional settlement pattern of built form and be sympathetic to the setting of landmarks or views of the local landscape.*

The proposed development is considered to be appropriate infill development that is designed and sited to integrate with surrounding dwellings. The development site is part of a large extended rear garden area where the proposed development would be consistent with the building line of adjacent dwellings at 1-3 Glenallan. Additionally the ridge level of the proposed semi-detached block would be approximately 1 metre lower than the end-terrace property at 1 Glenallan.

- *Layout – must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*

The layout of the dwellinghouse is consistent with the terraced block at 1-3 Glenallan adjacent where the proposed two-storey block seeks to replicate this footprint. The proposed layout allows for a 5 metre front garden/forecourt area and 9 metre rear garden area that would also be consistent with adjacent terraced dwellings at Glenallan.

- *Access – should be designed to maximise vehicular and pedestrian safety.*

Following various design options for vehicular accesses, Roads have no objection to the proposed access, car parking or turning facilities. The proposed arrangement allows for vehicles to turn within the curtilages of the dwellinghouses without losing meaningful amenity spaces to the rear of the buildings. The applicant has also confirmed that the forecourt area will be surfaced in 'grasscrete' to help to soften an otherwise hard off-street car parking space.

- *Open Space/Density – all development should have some private open space (ideally a minimum of 100sqm) semi-detached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.*

The development has been designed to incorporate small front and rear gardens for each dwellinghouse. However, as mentioned above the front garden areas will be used as off-street car parking spaces or turning areas that will be located in front of the dwellinghouses. The dwellinghouses do have meaningful rear amenity spaces that comprise approx 72m². The total floorspace of each semi-detached unit (that also includes car parking and turning provision within their curtilages) takes up approximately 48% of the plot, which is slightly higher than the prescribed density but lower than the density figure of 62% for terraced units at Glenallan adjacent. In terms of open space provision and density, this is considered to be appropriate in this location for the type of dwellings proposed. Permitted development rights can be removed by condition to safeguard any future extensions where the plots are considered to be 'at capacity'.

In respect of the existing dwellinghouse at 58 McArthur Street, this plot measures approximately 904 m² that is far in excess of typical surrounding plots and could effectively be a double feu. Existing plot density of this plot is approximately 12% that would increase to 21% with the housing development in part of the rear garden area. While the boundary of the proposed development would be only approximately 1.6 metres from the rear of the rear extension on 58 McArthur Street, sufficient front and side garden space remains to maintain acceptable and meaningful amenity spaces.

- *Services – connection to electricity, telephone and wastewater will all be a factor.*

The development will be connected to the public water mains and public waste water system. Scottish Water does however require a totally separate surface water drainage system and this is covered by a recommended condition.

- *Design – The scale, shape and proportion of the development should respect and complement the adjacent buildings and the plot density and size.*

The two-storey development is considered to be acceptable in terms of scale, massing and design. A condition requires the submission of all external materials.

In terms of privacy and overlooking, the proposed dwellinghouses would be sited some 21 metres from facing properties on Alexander Street, therefore no privacy failures in respect of window to window distances from habitable rooms that require to be a minimum of 18 metres distant for directly facing windows (13.3 Sustainable Siting and Design Principles Appendix A).

A street elevation indicates that the ridge level of the proposed semi-detached block would sit approximately 1 metre below the ridge level of the adjacent end-terrace unit at 1 Glenallan. This would allow ridge heights to be 'stepped-up' northwards from the existing dwellinghouse at 58 McArthur Street.

In general terms, the development is in accordance with all of the criteria above and represents a modest design approach in an attempt to provide 'affordable' dwellings. The overall design of the dwellings is considered consistent with the scale, massing and design of adjacent dwellinghouses at 1-3 Glenallan.

Given the particular design and materials, it is considered that the proposal would be consistent with Policies HO 8 and BE 9 of the Cowal Local Plan and with policies LP ENV 19 and LP HOU 1 of the Argyll and Bute Modified Finalised Draft Local Plan.

C. Road Network, Parking and Associated Transport Matters

Roads have no objections subject to conditions regarding maintaining sightlines, access design, parking and turning. Additional comments in respect of a Road Opening Permit (S56) and system of surface water drainage.

On the basis of the above, the proposal is considered consistent with the provisions of Policies LP TRAN 4 and TRAN 6 in respect of access and car parking provision.

D. Infrastructure

It is proposed to connect to the public water main and public sewer. Scottish Water has no objections but do require a totally separate surface water drainage system which can be covered by a condition.

On the basis of the above, the proposal is considered consistent with the provisions of Policies LP SERV 1, SERV 2 and SERV 3 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006).

CONCLUSION

While only two letters of representation have been received, it is considered that the concerns raised have been addressed above.

The proposal represents a simple and modest design approach to provide affordable starter homes in this part of Dunoon. The design and layout of the proposed two-storey dwellinghouses is considered to be consistent with adjoining dwellings in respect of density, layout and amenity spaces. The existing dwellinghouse at 58 McArthur Street would still have sufficient amenity spaces to include drying area, car parking and turning. Given the siting and design of the proposed dwellinghouses and separation distances, there would be no privacy failures and the simplistic design would be capable of integrating with surrounding buildings in terms of scale, design and materials. Subject to the conditions recommended below, the proposal is considered to accord with Policies POL HO8 and POL BE9 of the adopted Cowal Local Plan 1993 and policies LP ENV19, LP HOU1 and LP TRAN6 of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006).

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**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE**

Bute and Cowal

Application Types: *ADV App. for Advertisement Consent,
ART4 App. Required by ARTICLE 4 Dir,
CLAWU App. for Cert. of Law Use/Dev. (Existing),
CLWP App. for Cert. of Law Use/Dev. (Proposed),
COU App. for Change of Use Consent,
CPD Council Permitted Dev Consultation,
DET App. for Detailed Consent,
FDP Forest Design Plan Consultation,
FELLIC Felling Licence Consultation,
GDCON Government Dept. Consultation,
HAZCON App. for Hazardous Substances Consent,
HYDRO Hydro Board Consultation,
LIB Listed Building Consent,
LIBECC App. for Consent for ecclesiastical building,
MFF Marine Fish Farm Consultation,
MIN App. for Mineral Consent,
NID Not. of intent to develop app.,
NMA Not. for Non-Material Amnt,
OUT App. for Permission in Principle,
PNAGRI Prior Not. Agriculture,
PNDEM Prior Not. Demolition,
PNELEC Prior Not. Electricity,
PNFOR Prior Not. Forestry,
PNGAS Prior Not. Gas Supplier,
PREAPP Pre App. Enquiry,
REM App. of Reserved Matters,
TELNOT Telecoms Notification,
TPO Tree Preservation Order,
VARCON App. for Variation of Condition(s),
WGS Woodland Grant Scheme Consultation*

Decision Types: *PER Approved
WDN Withdrawn
NOO No Objections
AAR Application Required
CGR Certificate Granted
OBR Objections Raised
PDD Permitted Development
PRE Permission Required
NRR New App. Required*

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01684/NMA	Stewart McNee Plot South Of Ardenlee Lodge Bullwood Road Dunoon Argyll And Bute Erection of dwellinghouse and formation of vehicular access (amendment to permission 07/00568/DET incorporating amended design of rear roof slope and repositioning of rooflight windows).	18/09/2008	06/10/2008	PER
08/01650/NMA	Mr A Campbell 53 Queen Street Dunoon Argyll And Bute PA23 8AX Alterations and extension to ground floor flat to form grannie flat (amendment to planning permission 04/01682/DET to reduce kitchen footprint).	17/09/2008	01/10/2008	PER
08/01648/DET	Nigel Barge Tigh An Uillt Strathlachlan Cairndow Argyll And Bute PA27 8BU Erection of pitched roof to attached garage	17/09/2008	10/10/2008	PER
08/01645/TPO	Mr Keith Campbell Hunters Quay Holiday Village Hunters Quay Dunoon Argyll And Bute PA23 8HP Lopping of branches on beech tree	15/09/2008	09/10/2008	PER
08/01608/DET	Prof. T Sharp Garfield Wyndham Road Innellan Dunoon Argyll And Bute PA23 7SH Demolition of front porch, erection of sunlounge extension and patio (retrospective)	09/09/2008	09/10/2008	PER
08/01601/DET	Mr E MacKechnie Tigh Nan Darroch St Catherines Cairndow Argyll And Bute PA25 8BA Demolition of Conservatory and porch, erection of garden room and porch	09/09/2008	30/09/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01554/DET	ROK Prime Contract Plot 1.4 Sandbank Business Park Highland Avenue Sandbank Argyll And Bute Erection of industrial unit (Class 4)	02/09/2008	26/09/2008	PER
08/01552/DET	D And C Fraser Cairndow Inn Cairndow Argyll And Bute PA26 8BN Retention of timber decking on detached bedroom block (relative to planning permission 05/02115/DET).	29/08/2008	06/10/2008	PER
08/01551/DET	Mr Joseph Frankgate 106 Alexander Street Dunoon Argyll And Bute PA23 7BD Removal of derelict extension and formation of new window opening	29/08/2008	10/10/2008	PER
08/01543/DET	Shirley K Home Ground Floor Flat Flat 2 2 Havelock Terrace Rothesay Isle Of Bute Argyll And Bute PA20 0JQ Installation of replacement windows and doors	03/09/2008	30/09/2008	PER
08/01541/DET	Dunoon Baptist Church 9 Alexandra Parade Dunoon Argyll And Bute PA23 8AB Installation of replacement windows to upper floor	27/08/2008	22/09/2008	PER
08/01519/PNAGRI	Mr Alistair McFarlane Meikle Kilchattan Kingarth Isle Of Bute Argyll And Bute PA20 9NS Erection of cattle shed	25/08/2008	22/09/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01518/DET	Board Of Directors 10 Mackinlay Street Rothesay Isle Of Bute Argyll And Bute PA20 0AY Installation of sliding glass doors and erection of timber gazebo.	25/08/2008	08/10/2008	PER
08/01517/DET	Jonathan Silk 29 Cromwell Street Dunoon Argyll And Bute PA23 7AX Installation of replacement windows and skylight	29/08/2008	10/10/2008	PER
08/01497/DET	Mr And Mrs G Brown Ardengrove Fir Brae Sandbank Dunoon Argyll And Bute PA23 8QD Erection of garage/store	15/08/2008	22/09/2008	PER
08/01468/DET	Boots The Chemist 182 Argyll Street Dunoon Argyll And Bute PA23 7HA Installation of air conditioning condenser units	08/08/2008	15/09/2008	PER
08/01451/DET	Mr And Mrs I Crawford Bruichladdich Crichton Road Rothesay Isle Of Bute Argyll And Bute PA20 9JR Erection of timber decking	07/08/2008	22/09/2008	PER
08/01444/DET	Loch Fyne Oysters Ltd Fish Farm North Of Bathach Ban Cottage Cairndow Argyll And Bute Extension to Mussel Farm	06/08/2008	01/10/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01433/ADV	Mr R O'Connor 182 Argyll Street Dunoon Argyll And Bute PA23 7HA Erection of two fascia signs and one illuminated projecting sign	04/08/2008	15/09/2008	PER
08/01432/LIB	Mr And Mrs J Dunn Ground Flat Craiglea 27 Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9EB Formation of door opening and en-suite	04/08/2008	22/09/2008	PER
08/01423/DET	NHS Highland Dunoon General Hospital 360 Argyll Street Dunoon Argyll And Bute PA23 7RL Formation of additional car parking area (18 spaces)	18/08/2008	22/09/2008	PER
08/01382/COU	David Sutherland Home Farm Cottage Glendaruel Colintrave Argyll And Bute PA22 3AB Alterations and Change of Use of games room, store, office/reception, shop and attic to lounge, kitchenette and bedroom	30/07/2008	30/09/2008	PER
08/01381/COU PA22 3AB	Mr David Sutherland Courtyard Home Farm Glendaruel Colintrave Argyll And Bute Alterations and Change of Use of garage and store to flatted dwelling	25/07/2008	30/09/2008	PER
08/01378/DET	The Owner 11 Birch Gate Kirn Dunoon Argyll And Bute PA23 8GA Retention of 1.8 metre high timber fence	24/07/2008	15/09/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01313/DET	Mr G. Wals Portavadie Farm Millhouse Tighnabraich Argyll And Bute PA21 2DA Demolition of disused building and erection of two chalets and formation of car parking	18/07/2008	14/10/2008	REF
08/01201/DET	Strathclyde Fire And Rescue Fire Station 357 Argyll Street Dunoon Argyll And Bute PA23 7RN Partial demolition, alteration and extension of fire station	30/06/2008	30/09/2008	PER
08/01196/NMA	Mr And Mrs R Rheumer 4 McKinlays Quay Sandbank Dunoon Argyll And Bute PA23 8NZ Erection of dwellinghouse (amendment to Permission 03/00256/DET incorporating changes to door and window design for Plot 4)		16/09/2008	WDN
08/01157/DET	Ladbrokes Limited 57 - 61 Montague Street Rothesay Isle Of Bute Argyll And Bute PA20 0BU Installation of air conditioning condenser units	01/07/2008	15/09/2008	PER
08/01156/DET	Mr D Woolmer Garden Ground Of 32 Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9EB Erection of dwellinghouse and formation of vehicular access	24/06/2008	15/09/2008	WDN
08/00416/DET	Mr Frank Masterton Maisonette Flat 4/2 21 East Princes Street Rothesay Isle Of Bute Argyll And Bute PA20 9DL Installation of replacement windows to rear elevation	27/02/2008	22/09/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/00414/LIB	Mr Frank Masterton Maisonette Flat 4/2 21 East Princes Street Rothesay Isle Of Bute Argyll And Bute PA20 9DL Installation of replacement windows to rear elevation	27/02/2008	01/09/2008	PER
08/00011/DET	I W Joinery And Construction 1 - 6 Former Steadings Knockanreoch Westlands Road Rothesay Isle Of Bute Demolition of Outbuildings and Erection of Six Dwellinghouses, Formation of Vehicular Access & Installation of Septic Tank (Amendment to Planning Permission 04/02398/DET incorporating alterations to vehicular and pedestrian access layout).	03/12/2007	01/10/2008	PER
07/01164/DET	Mr Kevin Boyle Mill Cottage Garden Centre 37 Mill Street Rothesay Isle Of Bute Argyll And Bute PA20 0EX Erection of timber decking	24/07/2007	15/09/2008	PER
07/00470/DET	Mrs Rosina Dickson And Mr Craig Dickson Land North Of Leander Ascog Isle Of Bute Argyll And Bute Demolition of garage and erection of dwelling house	06/08/2008	06/10/2008	PER

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**BUILDING STANDARDS
DELEGATED DECISIONS SINCE LAST COMMITTEE
Bute and Cowal**

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED DATE	VETTED DATE	DECISION	DECISION
05/00881/ERECFL/A	Mr R MacGregor 80 George Street Dunoon Argyll PA23 8BW Amendment to Warrant, to cover alteration to internal layout	07/08/2008		14/10/2008	WARAPP
06/01049/ALTER/A	Mr And Mrs J Downie 42 Hunter Street Kilm Argyll And Bute PA23 8DT Amendment to Warrant, to cover re-location of bath.	15/09/2008	10/10/2008	10/10/2008	WARAPP
06/01342/ERECDW/A	Fyne Homes 1 - 11 Mansefield Place Rothesay Isle Of Bute Argyll And Bute Amendment to 06/01342/ERECDW (Erection of 15 terraced houses and 4 cottage flats with associated parking for 34 cars)	11/08/2008	25/08/2008	26/09/2008	WARAPP
06/01509/ERECDW/A	Mr And Mrs MacLean The Cottage Leachd Strathlachlan Argyll And Bute PA27 8DA Erection of dwelling, and installation of new septic tank, including demolition of existing dwelling. Amendement to cover minor layout changes.	02/10/2008	08/10/2008	08/10/2008	WARAPP
06/01641/ERECT/A	Portavadie Estates Ltd Portavadie Estates Millhouse Argyll And Bute Amendment to Warrant to cover; addition of linen store and amendment to balcony escape	27/06/2008	09/07/2008	14/10/2008	WARAPP
07/00758/ERECDW/A	Andrew C M Weir Land South Of Oakbank Strachur Argyll And Bute Construct two dwellinghouses with communal septic tank system - Alteration to Plot 1 to form larger utility room and reduce size of store	20/08/2008	05/09/2008	08/10/2008	WARAPP
07/00877/ALTER	Mrs J Wilkins 25 Victoria Road Dunoon Argyll And Bute PA23 7EA Internal alterations to enlarge kitchen area.	27/06/2007	04/07/2007	22/09/2008	WARAPP

**WARAPP=Building Warrant Approved WARREF=Building Warrant Refused
WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superseded by new Building**

07/01168/ERECFL	Portavadie Estates Ltd Portavadie Marina And Boatyard Millhouse Argyll And Bute Proposed erection of five letting apartments (Types 'A' and 'B')	13/09/2007	28/01/2008	08/10/2008	WARAPP
07/01360/ALTEXT	Seavision (Scotland) Ltd Holy Loch Marina Rankins Brae Sandbank Dunoon Argyll And Bute PA23 8FE Formation of upper floor offices and stair towers with associated car park	06/11/2007	06/02/2008	30/09/2008	WARAPP
07/01405/ALTER	Steven McMillan 2 High Road Port Bannatyne Isle Of Bute Argyll And Bute PA20 0NY Alterations to existing flat including conversion of roof space	08/11/2007	28/12/2007	08/10/2008	WARAPP
08/00028/ALTER	Fyne Homes 3 King Street Rothesay Isle Of Bute Argyll And Bute Alterations and refurbishment of tenemental building, incorporating facade retention and new internal layouts	28/12/2007	27/03/2008	14/10/2008	WARAPP
08/00062/ERECDW	Jim Adams New House At Former Kames Wharf Kames Argyll And Bute Erection of new dwelling house, septic tank and soakaway system	11/01/2008	29/02/2008	08/10/2008	WARAPP
08/00167/ERECDW	Mr R Robertson Ballianlay Schoolhouse Rothesay Isle Of Bute Argyll PA20 0QG Erection of 3 bedroom dwellinghouse with 2 large studios contained within loft space including associated septic tank and outfall drainage.	01/02/2008	05/03/2008	16/09/2008	WARAPP
08/00192/ALTER	B Lauder 137 Argyll Road Kilm Argyll And Bute PA23 8LY Alterations and extension, to provide bedroom, utility room and study	13/02/2008	21/02/2008	24/09/2008	WARAPP
08/00422/ALTEXT	Colin And Melony Tait Rudha Mor Kames Argyll And Bute PA21 2AG Alterations to dwelling, including relocation of kitchen, and the erection of a sun lounge	18/04/2008	07/05/2008	03/10/2008	WARAPP

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08/00434/ALTER	Mrs Morton Craignethan Shore Road Kames Argyll And Bute PA21 2AG Alterations to convert existing outbuildings to ancillary accomodation, and form decking	24/04/2008	19/05/2008	14/10/2008	WARAPP
08/00513/ALTER	James A Carruthers Copeswood Tighnabruaich Argyll And Bute PA21 2BE Alteration to dwelling, to install patio doors and a conservatory	13/05/2008		24/09/2008	WARAPP
08/00534/ERECDW	Mr And Mrs M Lalley Plot 6 Land To The North Of Ashbank Strachur Argyll And Bute Erection of dwellinghouse.	21/05/2008	17/06/2008	07/10/2008	WARAPP
08/00628/ALTEXT	Mr And Mrs R Allison Dunvegan Lochgoilhead Cairndow Argyll And Bute PA24 8AJ Demolish existing extension and repalce with new larger extension	13/06/2008	21/07/2008	13/10/2008	WARAPP
08/00640/EXTEND	Margaret Durning 132 Edward Street Dunoon Argyll And Bute PA23 7AR Demolition and replacement of kitchen and dining room extension.	17/06/2008	02/07/2008	06/10/2008	WARAPP
08/00642/EXTEND	Mr And Mrs Waters The Cottage Clachaig Dunoon Argyll And Bute PA23 8RE Extension to form entrance porch and layby parking	18/06/2008	07/07/2008	14/10/2008	WARAPP
08/00701/ALTER	Murray Doyle And Sara Nelson 30A/ 33 Shore Road Port Bannatyne Isle Of Bute Argyll And Bute PA20 0LQ Alteration to dwelling, to remove wall and insert beams	07/07/2008	21/07/2008	08/10/2008	WARAPP
08/00738/ALTER	Stewart G Shaw 6 Glenmorag Avenue Dunoon Argyll And Bute PA23 7LG Demolition of ex kitchen; sun lounge extension, new internal kitchen	17/07/2008	28/08/2008	14/10/2008	WARAPP

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08/00740/ALTER	A Apps Flat 2/1 2 Victoria Crescent Kirm Brae Kirm Dunoon Argyll And Bute PA23 8LN Internal alterations to flat, to relocate kitchen and form bedroom	21/07/2008	08/08/2008	01/10/2008	WARAPP
08/00742/ALTER	Mr Paul Adams Osborne Hotel Shore Road Innellan Dunoon Argyll And Bute PA23 7TJ Alterations to form additional service bar, and extend beer store.	28/07/2008	14/08/2008	24/09/2008	WARAPP
08/00773/ALTER	Mr N L Barge Tigh An Uillt Strathlachlan Cairndow Argyll And Bute PA27 8BU Alteration to dwelling, to convert attached garage into lounge area.	07/08/2008	28/08/2008	08/10/2008	WARAPP
08/00790/ERECT	Strathclyde Fire And Rescue Fire Station 357 Argyll Street Dunoon Argyll And Bute PA23 7RN Extension of fire station.	13/08/2008	27/08/2008	10/10/2008	WARAPP
08/00806/ALTER	Mr And Mrs Girard 131 Alexander Street Dunoon Argyll And Bute PA23 7PY Alterations and extension to dwelling; to form rooms within the attic, and a lounge extension.	25/08/2008	08/09/2008	14/10/2008	WARAPP
08/00846/STAGE1	Strathclyde Fire Station Fire Station 357 Argyll Street Dunoon Argyll And Bute PA23 7RN Proposed modular building extension - STAGE 1 Foundations and drainage	08/09/2008		14/10/2008	WARAPP
08/00856/ALTER	Mr S McNee Rhubaan Toward Dunoon Argyll And Bute PA23 7UA Alter roof trusses over central hall to install velux windows	05/09/2008	18/09/2008	07/10/2008	WARAPP
08/00860/DEM	Sted Investments Ltd Renfield House 16 Eccles Road Hunters Quay Argyll And Bute PA23 8LB Demolish existing care home	11/09/2008		24/09/2008	WARAPP

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08/00863/ALTER	NHS Highland Dunoon And District General Hospital 360 Argyll Street Dunoon Argyll And Bute PA23 7RL Internal alterations to former A_E, to form consulting rooms, pharmacy office and record stores	11/09/2008	01/10/2008	WARAPP
08/00897/ALTER	Caledonian MacBrayne Ltd West Pier And Mid Pier Rothesay Isle Of Bute Argyll And Bute alterations to convert store to office.	17/09/2008	30/09/2008 14/10/2008	WARAPP
08/00904/INSTAL	Michael Waters And Susan Waters The Cottage Clachaig Dunoon Argyll And Bute PA23 8RE Installation of rainwater drainage system	29/08/2008	07/10/2008	WARAPP
08/00940/ALTER	G Ritchie 4 Gladstone Avenue Dunoon Argyll And Bute PA23 7EB Alterations to dwelling, to form one room within the attic.	03/10/2008	10/10/2008	WARAPP
08/00941/ALTER	E Lockhart 4 Leven Lane Kilm Dunoon Argyll And Bute PA23 8DR Alterations to dwelling, to relocate kitchen, and form two bedrooms with en-suite within attic	06/10/2008	10/10/2008	WARAPP

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