

Reference Number: 08/00700/DET  
Applicants Name: Stewart Shaw Ltd.  
Application Type: Detailed  
Application Description: Erection of dwellinghouse and formation of vehicular access.  
Location: Seabank, Shore Road, Sandbank.

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**(A) THE APPLICATION**

**(i) Development Requiring Express Planning Permission**

- Erection of split-level dwellinghouse with integral garage;
- Formation of vehicular access with provision for turning area and car parking spaces;

**(ii) Other specified operations.**

- Connection to public water supply and waste water network;
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**(B) RECOMMENDATION**

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

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**(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/Ardnadam 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 HOU1 'General Housing Development'.

The proposal is considered contrary to the Cowal Local Plan in respect of the erection of a split-level type dwellinghouse within a narrow infill site in close proximity to existing dwellings that would not relate to the existing built form and result in inappropriate infill development. The lack of precise site level information cannot justify the particular design of the dwellinghouse where issues concerning siting, building lines, overshadowing, loss of daylight and visual dominance are 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 dwellinghouse proposed cannot be regarded as appropriate infill development as the development is considered to be poorly sited and designed and without accurate survey information could have the capacity to dominate lower buildings adjacent and overwhelm the townscape character of the area.

Additionally, the lack of precise information on a system to deal with surface water drainage in respect of an existing flooding issue could have adverse impacts on neighbouring properties, contrary to policies contained in the Argyll and Bute Structure Plan, Argyll and Bute Modified Finalised Draft Local Plan and National Guidance.

**(ii) Representations:**

One letter of representation has been received.

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

Not required because of the limited number of objections.

**(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  
29 July 2008**

**Author:** Brian Close  
**Reviewing Officer:** David Eaglesham

**Date: 29<sup>th</sup> July 2008  
Date: 29 July 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](http://www.argyll-bute.gov.uk)**

## REASONS FOR REFUSAL RELATIVE TO APPLICATION 08/00700/DET

1. The applicant has failed to provide accurate information in respect of site levels in order to clearly establish relationships to adjacent dwellinghouses and their land. The proposal as currently submitted represents a split-level dwellinghouse set back from the existing front building lines and projecting beyond the rear building lines that could have the potential to have significant adverse impacts on the amenity of the surrounding properties at *Glenalmond* and *Montague Villa* by virtue of overshadowing, loss of daylight and visual dominance. In particular the proposed development could have the capacity through its particular design, siting and scale to overshadow the rear kitchen area and private amenity spaces of *Glenalmond*.

Such a visually overbearing development would be at variance to the existing settlement pattern and overwhelm adjacent traditional dwellinghouses. Accordingly, the proposed split-level dwellinghouse of this particular design and siting would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and contrary to Scottish Planning Policy SPP3 – *‘Planning for Housing’*, Planning Advice Note 67 – *‘Housing Quality’*, Planning Advice Note 68 – *‘Design Statements’*; Policy STRAT SI 1 – *‘Sustainable Development’*, STRAT DC 1 *‘Development Within The Settlements’*, STRAT HO1 – *‘Housing – Development Control Policy’*, of the Argyll and Bute Structure Plan 2001; Policy POL HO8: *‘Infill, Rounding-Off and Redevelopment’* and POL BE9 *‘Layout and Design of Urban Development’* of the Cowal Local Plan 1993 (Adopted 1995) and policies LP ENV1 *‘Development Impact on the General Environment’*, LP ENV19 *‘Development Setting, Layout and Design’*, and Policy LP HOU1 – *‘General Housing Development’* of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006) all of which presume against the nature of the development proposed.
2. The applicant has failed to provide accurate information in respect of surface water drainage proposals in respect of an existing watercourse that enters the application site from the steep western side and exits in an area around the centre of the site. The lack of precise drainage arrangements incorporating a SuDS scheme to alleviate potential flooding of the site and adjacent properties and their land is contrary to Scottish Planning Policy SPP7 – *‘Planning and Flooding’*; PAN 69: *‘Planning and Building Standards Advice on Flooding’*; Policy STRAT SI 1 *‘Sustainable Development’*; Policy STRAT DC10 *‘Flooding and Land Erosion’* of the Argyll and Bute Structure Plan 2002; and to policies LP SERV2 – *‘Sustainable Drainage Systems (SuDS)’*, LP SERV 3 *‘Drainage Impact Assessment’*, and LP SERV 8 *‘Flooding and Land Erosion’* of the Argyll and Bute Modified Finalised Draft Local Plan (June 2006), all of which presume against the nature of the development proposed.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00700/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, 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 or ground instability.

STRAT DC 1 '*Development Within The Settlements*' encourages development on appropriate infill, rounding-off and redevelopment sites.

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.

STRAT DC 10 – '*Flooding and Land Erosion*' - Proposed development which would be at significant risk of flooding from erosion, or which would increase the risk to other land and property will not be in accord with the structure plan. In some places where it is feasible to manage the threat, suitable mitigation or other measures may be possible.

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 Sandbank covered specifically by Policy POL HO8 and BE9 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.

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

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

###### Policy LP ENV1 - Development Impact on the General Environment

In all development control zones the Council will assess applications for planning permission for their impact on both the natural, human and built environment. When considering development proposals, the following general considerations will be taken into account, namely:

(C) All development should protect, restore or where possible enhance the established character and local distinctiveness of the landscape in terms of its location, scale, form and design.

(D) The location and nature of the proposed development, including land use, layout, design, external appearance, flood risk, and privacy of existing and proposed development;

(H) Current Government guidance, other policies in the Argyll and Bute Structure and Local Plan and particularly those relating to the proposed type of development;

###### Policy LP ENV 19 - Development Setting, Layout and Design

The Council will require developers and their agents to produce and execute a high standard of appropriate design in accordance with the design principles set out in Appendix A of this Local Plan, the Council's sustainable design guide and the following criteria: -

###### *Development Setting*

(A) Development shall be sited and positioned so as to pay regard to the context within which it is located.

###### *Development Layout and Density*

(B) Development layout and density shall effectively integrate with the urban, suburban or countryside setting of the development. Layouts shall be adapted, as appropriate, to take into account the location or sensitivity of the area. Developments with poor quality or inappropriate layouts or densities including over-development and over-shadowing of sites shall be resisted.

### *Development Design*

(C) The design of developments and structures shall be compatible with the surroundings. Particular attention shall be made to massing, form and design details.

This policy is backed by Sustainable Siting and Design Principles contained in APPENDIX A-Design of New Housing in Settlements where under 4.1 *the location of houses within a settlement is the most crucial factor. New development must be compatible with, and consolidate the existing settlement. Relationship with neighbouring properties will be paramount as issues such as overlooking and loss of privacy may arise.*

*In terms of design under 4.2, the scale, shape and proportion should respect and complement the adjacent buildings and the plot density and size. In terms of Under-Building and Design 7.1 the extent of any under-building or excavations should be clearly shown on submitted plans including the use of cross sections. In terms of Infill Development 10.2, the scale and design of the proposed development should be in harmony with the surrounding area, particularly the adjacent buildings. The amenity and privacy of neighbouring properties should also be considered. Guidance is given under 14.1-14.3 in respect of 'Developments Affecting Daylight to Neighbouring Properties.'*

In terms of Argyll and Bute Sustainable Design Guidance 3 "3.0 Designing Sustainable Urban Infill, it is recommended that," *new infill development should respect the existing pattern of plots that establish the historic layout of a settlement..... these traditional development patterns must be recognised and understood if new development introduces buildings which occupy their plots in a different way to this surrounding them, they can appear out of place."*

Policy LP HOU 1 – 'General Housing Development' states a general presumption in 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 SERV2 – *Sustainable Drainage Systems (SuDS)* – guidance given on incorporation of natural features to aid surface water drainage and avoidance of culverts that increase flooding.

Policy LP SERV 3 '*Drainage Impact Assessment (DIA)*': The Council will generally require developers to submit a DIA in areas affected by flooding.

Policy LP SERV 8 '*Flooding and Land Erosion*'

Whilst the site is not within a functional flood plain or prone to coastal flooding, it has a local history of flooding from higher land to the west. In all cases where the potential for flooding is highlighted the planning authority will exercise the 'precautionary principle'.

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

Policy LP TRAN 6 '*Vehicle Parking Provision*' sets out standards for car parking.

**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](http://www.argyll-bute.gov.uk)**

### **(d) National Guidance**

The following advice and guidance from Scottish Government includes:

- a) 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)..... Infill sites can often make a useful contribution to the supply of housing land. 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 backland sites in urban, suburban or village locations (para 34).*
- b) Scottish Planning Policy SPP7 – 'Planning and Flooding'; *"New development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere.....The Building Standards system complements the planning system. In this context, its role is to protect the ground immediately below and adjoining a building from harmful effects caused by flood water, ground water and existing drains (para 12)".*

- c) Planning Advice Note 67 – ‘Housing Quality’; *Successful places - ...a great deal of new housing is in suburban settings; on the edge of settlements; or in rural areas. These places need high standards of design just as much as town and city centres.*
- 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) Planning Advice Note 69: Planning and Building Standards Advice on Flooding’: *“Building Standard 3.3 states: Every building must be designed and constructed in such a way that there will not be a threat to the building or the health of the occupants as a result of flooding and the accumulation of ground water.....Ground below and immediately adjoining a building that is liable to accumulate floodwater or ground water requires treatment to be provided against the harmful effects of such water. The ground immediately adjoining a building means the area where any ground water would affect the structural stability of the building. Treatment could include a field drain system (para 58).....The potential of garden ground and other open space to become waterlogged or suffer from localised flooding is something to be considered from the earliest stages of site proving (para 64)”.*
- 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..*

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

## (ii) SITE HISTORY

The site was previously occupied by a two storey detached dwellinghouse ‘Seabank’ that latterly contained four flats. This dilapidated building was demolished in the early 1990s and the site has remained in a neglected and derelict condition since. This building had no vehicular access with any parking on-street and only two gated pedestrian entrances into the site. From a design stance, this building occupied a footprint that was broadly comparable with *Glenalmond* and *Montague Villa*.

Detailed planning permission (ref. 01-90-0557) was granted on 29<sup>th</sup> August 1990 for the erection of a one and a half storey semi-detached building containing two dwellinghouses. Following discussions with the Area Roads Manager an amended plan was submitted indicating a parking forecourt to accommodate all cars and allow egress in forward gear.

Planning permission (ref. 06/00255/DET) was refused on 13<sup>th</sup> December 2006 for the erection of two semi-detached dwellinghouses on grounds of over-development and overbearing design. A subsequent appeal (ref. P/PPA/130/195) was dismissed on 5<sup>th</sup> September 2007. The Reporter commented that *“it ought to be possible to design and build one house on the site closer to the building line”*.

A detailed application (ref. 07/02356/DET) for the erection of a dwellinghouse was withdrawn on 14<sup>th</sup> April 2008 due to concerns regarding inappropriate design and insufficient details regarding site levels and surface water drainage.

## (iii) CONSULTATIONS

**Area Roads Manager** (response dated 15<sup>th</sup> April 2008): No objections subject to conditions regarding provision of visibility splays, access design, car parking and turning and advice regarding surface water drainage and Road Opening Permit.

**Scottish Water** (response dated 18<sup>th</sup> April 2008): No objection in principle. Advisory comments on potential waste water network capacity issues and request for a totally separate surface water drainage system.

## (iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a *Potential Departure* from policies POL HO8 and BE9 of the Cowal Local Plan 1993, (expiry date 16<sup>th</sup> May 2008). One letter of representation has been received from Mr R Taylor and Mrs S Taylor, *Glenalmond* (letter dated 20<sup>th</sup> April). A summary of the concerns and issues raised are as follows:

- (a) *The application form states that there is no house on the site. However rubble from the demolition of the previous 2-storey house remains on site giving a false impression of the slope of the site that appears much steeper than is the case.*

**Comment** – Despite repeated requests, the agent has failed to provide accurate site levels and sections to clearly demonstrate that the dwellinghouse and its projecting rear extension would not have an adverse impact of adjacent properties at *Glenalmond* and *Montague Villa*.

In a letter of support, the applicant's agent states "*The owner of Glenalmond is not sufficiently qualified to make representations regarding levels...there are sufficient levels shown on the plans submitted to ascertain the proposed heights and floor levels.....taking levels through rubble will not give a true indication of finished levels. ....It is agreed that a true assessment of the actual levels on site cannot be submitted but this is due to the artificial rubble of the original dwelling which was never removed. Only when and if this application progresses will we be able to remove the rubble and reach a suitable ground level*".

The department supports the objectors' comments in respect of insufficient information on site levels and sections to make a thorough consideration of this detailed proposal.

*(b) Owners of Glenalmond object to proposed structure of house as shown particularly in elevation. Submitted elevations show a sloping site for the entire length of the house. Plans do not show the slope or ground levels from the front of the site to the back and consequently the proposed house is not shown in the context of the whole site. Neither is it possible to relate the slope of the ground to the slope of our own and neighbouring properties ground.*

**Comment** – The department supports the objectors' comments in respect of insufficient information on site levels and sections to make a thorough consideration of this detailed proposal.

*(c) Object because the boundary is the wall of Glenalmond and the plans show the sloped ground against the wall of this house. The previous house was built on level ground similar to Glenalmond and Montague Villa where front and back building lines were the same. The submitted plans with an infilled area to the rear of the ground floor beneath an upper floor appear to raise the level of the land and water table above Glenalmond creating problems of dampness.*

**Comment** - The department supports the objectors' comments in respect of insufficient information on site levels and sections to make a thorough consideration of this detailed proposal.

*(d) Plans are requested showing ground levels relative to the neighbouring properties the length and breadth of the site so that we can make a proper assessment.*

**Comment** – The agent has been asked repeatedly (and also for the previously withdrawn application ref. 07/02356/DET) by the department for a Certified Site Survey with detailed site levels but these requests have been turned down where the agents feelings have been already expressed in (a) above.

*(e) The plans show the house facing across the A815 to foreshore which is being infilled as part of the Holy Loch Marina extension and not washed by the tide anymore. The back of the property shows a line of bushes but not the cliff right behind them with oak woodlands on top. Nor do the plans show the pronounced gully in the cliffs and the watercourse running through it into the property. This small watercourse acts as a storm drain for the hill above.*

**Comment** – the submitted drawings, albeit with limited information were considered to be sufficient to validate this application but the department has repeatedly requested further information in respect of surface water drainage details regarding the watercourse that flows into the application site (and witnessed in full storm conditions by the Reporter at the appeal site visit).

*(f) Concern regarding overshadowing from such a large house over Glenalmond and its private amenity space which would be particularly bad from September to March and deprive Glenalmond of winter sunshine.*

**Comment** - While it is accepted that many properties along this stretch of Sandbank may lose daylight later in the day due to local topography and wooded slopes, the department (due to the quality of the submission and lack of precise detail) are unable at this stage to confirm the extent of overshadowing, loss of daylight and visual dominance from the proposed dwellinghouse that projects approximately 4 metres beyond the rear building line of *Glenalmond*. However, a precautionary approach has been taken in respect of potential overshadowing and loss of daylight to the private amenity spaces and kitchen of *Glenalmond* adjacent.

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

Despite repeated requests for information on accurate site levels and surface water drainage details, the applicants' agent has submitted letters (received 1<sup>st</sup> June and 25<sup>th</sup> June 2008) in support of the scheme which indicate that,

*“The owner of Glenalmond is not sufficiently qualified to make representations regarding levels..... There are sufficient levels shown on the plans submitted to ascertain the proposed heights and floor levels.....taking levels through rubble will not give a true indication of finished levels. ....It is agreed that a true assessment of the actual levels on site cannot be submitted but this is due to the artificial rubble of the original dwelling which was never removed. Only when and if this application progresses will we be able to remove the rubble and reach a suitable ground level.....Surface water would be dispersed to the repaired watercourse and finally taken into the scheme prepared by Holy Loch Marina”.*[It is interesting to note that the applicant does not own the land on which the agent suggest that surface water from the application site would be discharged to].

The agent comments that the ground levels shown on the application are similar to that of *Glenalmond* and that the ridge height also indicates alignment with this dwellinghouse. If refused, the site will remain an eyesore with further deterioration of the watercourse with no chance of connection to the marina complex development. The agent concludes that his clients wish their application to be determined as submitted.



## APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00700/DET

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

In the adopted Cowal Local Plan, the proposal is located within the settlement of Sandbank. Policy HO8 encourages development related to the built form. Policy BE9 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 development within settlement zones. Developments which do not accord with this policy are those which result in excessively high development densities or settlement cramming. Given that the site was previously occupied and that permission was previously granted for a redevelopment, the general principle of residential development has been established and is not in contest. It is the lack of accurate submitted information to successfully and clearly demonstrate that the proposed dwellinghouse will sit well with its neighbours that is the main issue. As the application stands, the department must adopt a precautionary approach and considers that the proposed dwellinghouse could have serious adverse impacts on adjacent properties *Glenalmond* and *Montague Villa* in respect of its particular split-level design with projecting rear extension beyond existing building lines, overshadowing and loss of daylight (*in particular to Glenalmond*) and visual dominance over lower buildings, contrary to the immediate settlement pattern.

**Given that the proposal would result in a dwellinghouse that could have adverse impacts on surrounding dwellinghouse, the proposal would be contrary to policies POL HO8 and POL BE9 of the adopted Cowal Local Plan.**

**Since the proposal cannot be regarded as appropriate infill development (due to siting, design and lack of site level details), it would be contrary to policies STRAT DC1 and STRAT HO1 of the Argyll and Bute Structure Plan and Policy LP HOU 1 of the Argyll & Bute Modified Finalised Draft Local Plan.**

#### B. Location, Nature and Design of Proposed Development

##### (i) Development Setting

This detailed application entails the erection of a split-level detached dwellinghouse on a narrow gap site north of *Montague Villa* and south of *Glenalmond*, Shore Road, Sandbank. The site was previously occupied by a one-and-half-storey building '*Seabank*' that contained four flats. Demolition of this building has left large amounts of rubble now overgrown and this has resulted in a variety of levels within the site. The site is located on the landward side of the busy A815 within the linear residential development which runs from Sandbank Village northwards. The site will face the main entrance to the new marina development currently under construction. The site is bounded to the west by heavily wooded rising ground. The site itself slopes from the footway of the A815 towards the woods to the rear. The site is very narrow in comparison with surrounding properties having a frontage width of 13.5 metres which is constant to the rear of the site. The site is bounded to the A815 by the remains of a stone boundary wall with one pedestrian gate remaining and another opening. No vehicular access was ever provided for the previous house.

An existing watercourse (not shown on submitted plans) runs from the steeply wooded ground and cliffs on the west of the site and disappears within the central portion of the site.

##### (ii) Development Layout and Design

The proposal is for a split-level dwellinghouse with accommodation on two levels with a dual pitched and gabled roof. The dwellinghouse would be one-and-a-half-storey in appearance on its front (east) elevation towards Shore Road, approximately 10 metres wide (within a 13 metre wide site) with integral garage and two roof dormers. The rear elevation comprises two further dormer features enclosing a kitchen window and door and bedroom windows with a rooflight from a bathroom. The back section of the house would be set into the slope but lack of precise site levels means that relationships to adjacent properties cannot be adequately assessed. Limited details on submitted drawings indicate that the floor level of the rear portion of the dwellinghouse would be some 2.5 metres above ground level. No window openings or any other features are proposed on the long (26 metres) side elevations.

The design and siting of the dwellinghouse has resulted in a staggered footprint with the bulk of the front elevation set back some 3 metres from the building lines of *Glenalmond* and *Montague Villa* adjacent. This also means that the rear building line projects some 4 metres beyond the existing building line of *Glenalmond*. The applicant's agent has submitted a sketch drawing to indicate that the proposed ridge height would be no greater than *Glenalmond* and approximately 2 metres lower than *Montague Villa*.

A new vehicular access into the site will be formed with a turning area and provision for two car parking spaces. Indicative landscaping is shown but no details including boundary treatments have been submitted at this stage. Proposed materials are white wet dash render for external walls with natural slate for the roof and white upvc tilt and turn windows. 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 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 in terms of building footprint and type of design. Adjacent properties are traditional one-and-a-half storey dwellings sited on level ground with consistent building lines. The proposed development is split-level in nature that projects beyond the rear building lines with potential adverse impacts on the amenity of surrounding dwellinghouses in respect of overshadowing and loss of daylight (primarily to the rear private amenity spaces and kitchen of *Glenalmond*) and visual dominance.

- *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 proposed design of the dwellinghouse has resulted in a building footprint that is set back from the existing front building line and projects beyond the rear building line. This is inconsistent with immediate adjacent dwellings and others within the immediate streetscape.

- *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 it is considered that the proposed layout to accommodate two car parking spaces and a turning area within this very narrow site has resulted in the particular design and setback footprint.

- *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.*

With the majority of the front garden area given over to car parking and turning, an adequate rear garden exists, although the full impact of the watercourse on this area has still to be established.

- *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 limited capacity in respect of a wastewater connection.

- *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.*

Given the issues raised thus far and the lack of accurate details in support of this proposal, it is considered that the proposed dwellinghouse does not respond to nor complement adjacent dwellinghouses. In fact, the particular split-level design and lack of site level information has resulted in a dwellinghouse that could have adverse impacts on adjacent properties in respect of visual dominance and overshadowing and loss of daylight to the private amenity spaces and kitchen of the adjacent property *Glenalmond*. Despite requests from the agent to impose suspensive conditions in respect of site levels and surface water drainage details, the proposal purports to be a detailed submission where specific concerns from the owners of *Glenalmond* in respect of such outstanding details have been raised. Given the lack of accurate information and the quality of the submission, the department has adopted a precautionary approach in order to safeguard the amenity of adjacent properties.

**Given that the proposal would result in a dwellinghouse that could have adverse impacts on surrounding dwellinghouses, the proposal would be contrary to policy POL BE9 of the adopted Cowal Local Plan.**

**The proposal would also be contrary to Policy LP ENV 19 of the Argyll and Bute Modified Finalised Draft Local Plan in respect of a poorly sited and poorly designed dwellinghouse that cannot be supported by accurate site level information. The proposed split-level dwellinghouse could dominate existing lower dwellings in close proximity leading to potential problems of overshadowing, loss of daylight and visual dominance by virtue of inappropriate scale, design and siting.**

### **C. Flooding**

Whilst the application site is not at risk from coastal flooding or within a functional floodplain, local flooding exists on the site from a watercourse which enters the site from higher wooded ground to the west (on ground within the applicants control) and exits in the central portion of the site amongst the rubble remaining from the demolished building. In times of heavy rain, significant amounts of water drain through the application site which has the potential to spread to adjacent properties.

This issue has been raised with the applicant's agent in an attempt to obtain precise details of a surface water drainage system that would alleviate or remove this problem. No such details have been submitted where the agent has stated that "*surface water would be dispersed to the repaired watercourse and finally taken into the scheme prepared by Holy Loch Marina*". No details have been submitted in support of this statement. It is also of note that the applicant does not own the land to which the agent suggests that surface water from the application site would be discharged.

The department must therefore adopt a precautionary approach in respect of the risk from potential flooding of the application site in its entirety, and to surrounding properties, consistent with National Planning Guidance and recommend refusal as the proposal stands.

**On the basis of the lack of any detailed surface water drainage proposals in respect of an existing flooding issue, the proposal is considered contrary to the provisions of Policies LP SERV2, LP SERV 3 and LP SERV 8 of the Finalised Plan.**

### **D. Road Network, Parking and Associated Transport Matters**

The Area Roads Engineer has no objection but conditions are recommended in respect of sightlines, access design, car parking and turning. 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.**

### **E. Infrastructure**

It is proposed to connect to both the public water and waste water systems. Scottish Water has no objection to the provision of a water supply to serve the development but comment that there may be potential capacity issues in respect of waste water treatment.

**On the basis of the above, the proposal is considered consistent with the provisions of policies contained in the Cowal Local Plan 1993 and Argyll and Bute Modified Finalised Draft Local Plan (June 2006) in respect of connection to public services.**

## **CONCLUSION**

It is unfortunate that this 'revised' application fails to address issues that were raised in the previously withdrawn application (ref.07/02356/DET). Outstanding issues in respect of accurate site levels/ sections and precise information on surface water drainage proposals have not been adequately addressed. Serious concerns have been raised by the owners of *Glenalmond* adjacent and the department concurs with their views.

The particular design of this split-level dwellinghouse has resulted in a building footprint that is set back from the front building lines and projects some 4 metres beyond the rear building lines. Despite repeated requests for such information, the department has no other option than to determine this application with the limited information submitted while adopting a 'precautionary approach' in respect of potential adverse impacts to adjacent properties by virtue of visual dominance and flooding and by potential overshadowing and loss of daylight to the adjacent property *Glenalmond*, where rear private amenity spaces and kitchen could be compromised. The lack of accurate supporting information, means that the department cannot conclusively state that adjacent properties would not be affected by the proposed development.

On the basis of submitted information, it is considered that the proposed development with its siting, scale and split-level design 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 overshadowing, loss of daylight, siting, visual dominance and settlement character have been raised by the owners of *Glenalmond* 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 particular dwellinghouse with its particular siting, layout and scale 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.

Furthermore, the lack of any detailed information regarding a surface water drainage system for the site that has an obvious flooding issue is contrary to policies contained in the adopted and emerging Local Plan and does not justify the grant of planning permission.