

Reference Number: 08/01815/DET
Applicants Name: MacIntosh Homes
Application Type: Detailed
Application Description: Demolition of existing dwellinghouse and erection of 3- storey block with 5 flats and 2-storey block with 2 flats and formation of parking and landscaped areas.
Location: Ruberslaw House, Shore Road, Innellan

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Demolition of Ruberslaw House, a traditional two-storey Victorian Villa;
- Erection of three-storey flatted block (5 flats);
- Erection of two-storey flatted block (2 flats);
- Formation of front garden car parking court;
- Landscaping and tree planting (indicative).

(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.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

In the adopted Cowal Local Plan, the application site is located within the settlement of Innellan and located within the Innellan Townscape Policy Area, covered primarily by policies HO8 'Infill, Rounding-Off and Redevelopment', BE4 'Townscape Policy Areas' and BE9 'Layout and Design of Urban Development'.

The proposal is considered contrary to policies BE4, BE9 and HO8 of the Cowal Local Plan in respect of the erection of two inappropriately designed modern flatted blocks within The Innellan Townscape Policy Area that is generally characterised by traditional two-storey villas. The scale and design of the modern flatted blocks results in incongruous design features that do not harmonise with their traditional surroundings and would not relate to the existing built form. Issues concerning over-development, siting, loss of privacy, visual dominance are raised by neighbouring residents and supported by the department.

In the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), the application site is located within the small town and village settlement of Innellan. The proposal is considered contrary to policies STRAT DC1 and HO1 of the Argyll and Bute Structure Plan and to policies ENV14, ENV18, ENV19 and HOU1 of the Argyll and Bute Local Plan Post Inquiry Modifications since the two flatted blocks cannot be regarded as appropriate infill development where the development, due to scale, siting and design, would result in settlement cramming and overwhelm the townscape character of the immediate area.

(ii) Representations:

Ten letters of objection have been received.

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

Whilst ten letters of objection have been received, as the application is recommended for refusal, it is not considered necessary to hold a hearing.

(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
17th December 2008**

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 17th December 2008
Date: 17th December 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 08/01815/DET

1. Having regard to the location of the application site between existing two-storey traditional buildings within the Innellan Townscape Policy Area, the siting and design of the proposed modern two and three-storey block of flats would not complement, but be at variance with the character of the immediate settlement pattern. The large building footprints proposed remove adequate separation distances between proposed and existing buildings. Additionally, the large areas of glazing on the front elevations together with prominent balcony features and projecting roof details and palette of external materials combine to result in unacceptable bland modern buildings that would be out of context within the traditional townscape and semi-rural location.
Accordingly, such a development with its particular siting, scale, layout and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern and in particular the Innellan Townscape Policy Area. The proposal would therefore be contrary to: Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO8 'Infill, Rounding-Off and Redevelopment', BE4 'Townscape Policy Areas' and BE9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV14 'Development in Special Built Environment Areas', LP ENV19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.
2. Having regard to the scale, massing, height design and siting of the proposed flatted blocks and in particular to the three-storey Block A, in such close proximity to adjacent dwellings, the proposed flatted Block A would have the capacity to visually dominate the adjacent flats with Allan Park, and the dwellinghouse Allan Park Cottage.

The existing flatted building at Allan Park is located only 8 metres from proposed three-storey Block A that would be approximately 11 metres in height at this point. The existing Ruberslaw is approximately 18 metres distant with a lower extension and greenhouse between.

Similarly, Allan Park Cottage located at a distance of 6 metres from Block A would lose significant light and be visually overwhelmed and overlooked by the three storey block of flats in such close proximity.

Therefore, it is considered that proposed Block A could result in significant overshadowing and visual dominance of Allan Park and Allan Park Cottage. The unacceptable siting, height and separation distance for flatted Block A in close proximity to dwellings at Allan Park Cottage and Allan Park would visually dominate and have a significant impact on these buildings and their private amenity spaces, therefore diminishing the amenity, privacy and outlook that the occupants of these properties could reasonably expect to enjoy.

Accordingly, such a development with its particular scale, height, siting, layout and design would be contrary to Policy BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policy LP ENV 19 'Development Setting, Layout and Design' including Appendix A 'Sustainable Siting and Design Principles' and Sustainable Design Guidance 1 (September 2006) of the Argyll and Bute Local Plan Post Inquiry Modifications (November 2008), all of which presume against the nature of the development proposed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/01815/DET

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 avoid significant adverse impacts on built heritage resources while respecting the landscape character of an area and the setting and character of settlements.

STRAT DC 1 '*Development Within The Settlements*' encourages development on appropriate infill 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 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.

(b) Cowal Local Plan 1993 (adopted 1995)

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

POL HO8: 'Infill, Rounding-Off and Redevelopment' where infill 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 BE4 'Townscape Policy Areas' - the Council will not permit new developments which would have a detrimental effect upon the character or external appearance of existing buildings or the general character and setting of such areas (e.g. an established line or special layout of villas). High standards of design are expected in these areas.

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 Post Inquiry Modifications (November 2008).

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

Policy LP ENV14 'Development in Special Built Environment Areas' states a presumption against development that does not preserve or enhance the character of a Special Built Environment Area. New development within these areas and on sites forming part of their settings must be of the highest quality, respect and enhance the architectural and other special qualities that give rise to their designation.

Policy LP ENV 18 'Protection and Enhancement of Buildings' encourages opportunities to reuse redundant buildings which make a substantial contribution to the character of an area.

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.

Policy LP TRAN6 'Vehicle Parking Provision' sets out appropriate car parking standards.

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 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).*
- b) 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."*
- c) 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.*
- d) '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

An outline application (ref. 03/02273/OUT) for the erection of a single dwellinghouse was withdrawn on 10th May 2004, following concerns regarding over-development of the site.

A subsequent outline application (ref. 04/02355/OUT) for the erection of a single dwellinghouse was refused on 14th April 2005. While this scheme retained Ruberslaw, it did not allow enough space for a suitable dwelling to be built on land to the north of Ruberslaw, resulting in over-development and impact on the Townscape Policy Area. The department at that time advised that if later side extensions to Ruberslaw were removed, adequate separation distances could be achieved for a single dwellinghouse.

(iii) CONSULTATIONS

Area Roads Manager (response dated 28th October 2008): No objections subject to conditions regarding maintenance of visibility splays, access design, creation of a turning area, and car parking provision. Advisory note regarding surface water drainage and Road Opening Permit.

Scottish Water (response dated 5th November 2008): No objection in principle. Advisory comments regarding connection to waste water system and water pressure.

(iv) PUBLICITY AND REPRESENTATIONS

The proposal was advertised as a *Potential Departure* from policies POL HO8, BE4 and BE9 of the Cowal Local Plan 1993, advertisement published 24th October 2008 (expiry date 14th November 2008) and under Article 9 Advertisement. Ten letters of objection have been received from:

- Mr Ian Bailey, *Allan Park*, 104 Shore Road, Innellan, (e-mail dated 26th October 2008);
- Philomena McFadden, *Allan Park* - upper floor flat, 104 Shore Rd, Innellan (e-mail dated 22nd October 2008);

- Forbes and Adams Architects, 54 Shore Road, Innellan on behalf of Miss P McFadden, *upper flat Allan Park*, Shore Road, Innellan (letter dated 24th October 2008);
- Mrs Margaret Kane, *Allan Park*, 104 Shore Road, Innellan (letter dated 22nd October 2008);
- Mr and Mrs Carey, *The Trees*, Kilhaws, Toward (letter dated 27th October 2008);
- Alan Mackay, 3 Arran Park, Shore Road, Innellan (letter dated 26th October 2008);
- Ms Alison Carey and Mr James Donnelly, 18 Arran Park, Innellan (letter dated 3rd November 2008);
- Mr and Mrs A B Garner, 20 Arran Park, Shore Road, Innellan (letter dated 2nd November 2008);
- Mr D Midge, *Allan Park Cottage*, Ferry Lane, Innellan (letter dated 3rd November 2008);
- Mr and Mrs J McNair, 19 Arran Park, Innellan (letter dated 28th October 2008).

A summary of the concerns and issues raised is as follows:

- *No justification to demolish Ruberslaw, a fine Victorian Villa. Suggest converting this building into flats or maintain it as a single dwelling; Many local examples of splitting existing large villas;*
- *Footprint of proposed flatted blocks and proximity to adjacent properties in particular the flatted block at Allan Park and Allan Park Cottage; Great increase in the breadth of Block A;*
- *Design not in keeping with surrounding traditional buildings and inappropriate;*
- *Development in the roof space creating a third floor makes an ugly looking frontage and bulky building;*
- *Glass balconies out of place and potential to overlook adjacent gardens;*
- *Over-development of the site. Proposal is disproportionate to size of current property;*
- *Potential for overlooking of adjacent properties at Allan Park and Allan Park Cottage from gable kitchen window at third floor;*
- *Height of proposed three-storey flatted block in relation to adjacent buildings in respect of light, overshadowing, design and visual dominance;*
- *Loss of daylight and aspect to properties in Arran Park to the rear;*
- *Height of both blocks not accurately shown and concern if approved whether these heights are appropriate to surrounding buildings;*
- *Suggest smaller block located closer to Allan Park thus reducing overshadowing effect;*
- *Access to site questioned in respect of visibility;*
- *Increase in number of vehicles entering and leaving the site;*
- *Number of cars parked in front garden area and concern over loss of amenity as a result;*
- *Development contravenes both Cowal Local Plan (POL HO8, BE4, BE9) and Argyll and Bute Local Plan;*
- *Assumption that trees along northern boundary will remain as screening when these may have to be removed for safety reasons for properties in Allan Park and Allan Park Cottage;*
- *Concern about safety of trees bordering the application site;*
- *Development will establish an unacceptable precedent;*
- *Proposal should emulate the nearby Braemar Hotel development with appropriate infill.*

Comment – Refer to Assessment below.

(v) Applicant's Supporting Information

No formal 'Design Statement' has been lodged in support of the scheme.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/01815/DET

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 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.

While the proposed development generally respects the established building line, the scale, design and orientation of the two flatted blocks result in proposed modern development that does not integrate well within the traditional surroundings. The large building footprints proposed remove adequate separation distances between proposed and existing buildings that would result in cramming of the site, also resulting in overshadowing of adjacent buildings to the north. It is considered that the proposed development would not contribute positively to the immediate settlement pattern and could establish a precedent for similar villas.

The proposal would result in 7 flats contained within two-storey and three-storey blocks that do not relate to their traditional surroundings in terms of scale, siting and design. They cannot be regarded as appropriate infill or redevelopment. Accordingly, 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 Cowal Local Plan and policy LP HOU 1 of the Argyll and Bute Local Plan Post Inquiry Modifications.

B. Location, Nature and Design of Proposed Development

(i) Development Setting

The application site comprises a long rectangular site approximately 120 metres long and 40 metres wide that is situated between traditional two storey buildings at 104 and 106 Shore Road, Innellan. The site is currently occupied by a two-storey Victorian villa Ruberslaw that has been extended to the side with outbuildings to the rear. Ruberslaw is situated within an established line of traditional dwellings within the Innellan Townscape Policy Area where the buildings are all set back some distances from their frontages to Shore Road. The strong building lines are a key character of the surrounding area but this also dictates that no development should take place in front of, or to the rear of established buildings. To the south of Ruberslaw lies Carisbrooke 106 Shore Road, a two-storey traditional stone-faced detached villa with shallow hipped roof. To the north, lies Allan Park 104 Shore Road a two-storey villa with shallow hipped roof that has been converted into three flats (2 lower, 1 upper). To the rear of Allan Park lies Allan Park Cottage, a single storey cottage built on the boundary. To the rear (west) of the application site lies the Arran Park development which comprises modern semi-detached properties but outwith the Townscape policy area.

The large level application site is bounded by mature trees and shrubs and has its existing vehicular access from Shore Road.

(ii) Development Layout

The proposal involves the total demolition of Ruberslaw and its outbuildings. The proposal comprises redevelopment of the site with the erection of two flatted blocks with a total of seven flats being created.

Block A comprises a three-storey block containing five flats and is located adjacent to and south of Allan Park and Allan Park Cottage. The building is modern in design with a large footprint (19 x 14 m that spans 15m) and designed with a pitched and gabled roof with projecting roof feature. Materials proposed include white roughcast on a stone basecourse for external walls with timber cladding for entrance and bay features. The roof will be slated with aluminium windows throughout and glass balustrades for the balconies that dominate the front elevation. The building has been designed to maximise east facing views towards the River Clyde where large area of glazing are incorporated within main living room bays and within the upper flat where the glazing runs to ridge height. Windows are shown on each gable but with the exception of a third floor kitchen window, all are en-suite bathroom windows. On the rear elevation are windows from bedrooms. Main access is via a front entrance stairway with access to the rear.

Block B comprises a two-storey block containing two flats and is located adjacent to and north of Carisbrooke. The building is modern in design with a footprint of approximately 12 x 11 m and span of 13m, and designed 'gable-end on' to Shore Road with a pitched and gabled roof with projecting roof feature. Materials are similar to Block A. The building has been designed to maximise east facing views towards the River Clyde where large

area of glazing are incorporated within main living room bays and within the upper flat where the large area of glazing runs to ridge height. Windows are shown on each gable but this is a stairwell window on the north elevation and en-suite bathroom windows facing Carisbrooke. On the rear elevation are windows from bedrooms. Main access is via side entrances on the north facing elevation.

The existing vehicular access will re-aligned slightly within the site into an oval car parking court with seven spaces on either side and bin stores at the end in front of the blocks. Indicative landscaping proposals suggest that this area including the bin stores will be screened by hedging and that tree planting (and retention) will take around the site although no further details have been submitted at this stage. The rear portion of the site is shown as a communal grassed garden area with tree planting but no details have been submitted.

(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 Local Plan Post Inquiry Modifications (November 2008) 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 existing strong building lines where buildings are set back some distance from Shore Road within long curtilages. Given the design and height of the proposed blocks, it is considered that the siting of Block A is unacceptably close to neighbouring properties Allan Park and Allan Park Cottage to the north. Block B appears awkward with its gable-end on design and orientation and set forward of the building line with Carisbrooke. This aspect could be improved in terms of siting but the scale, design and external materials and the lack of any local or traditional design features results in two modern blocks of flats that look wholly out of place in their surroundings. Whilst accepting that this is a large site, no reasonable justification has been made for the retention and possible conversion of Ruberslaw where the proposed modern development pays scant regard to the surrounding buildings and settlement character and merely attempts to cram seven flats within two flatted blocks that may be more appropriate in an urban or main town setting.

- *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);*
- *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 ‘Infill Development 10.1-10.2’, one of the key things to consider is the scale and design of the proposal which should be in harmony with the surrounding area, particularly the adjacent buildings.

The large footprints of the blocks result in deep plans that are as broad as some of the adjacent dwellings are long. In terms of Sustainable Design Guidance 1 ‘Massing, proportion and scale 2.1’, it is recognised that houses with “deep” floor plans have fundamentally different proportions than this with “narrow” plans. In prominent rural sites simple, well proportioned building forms based on a narrow plan are a better basis for proposals. One of the key things to consider is the scale and design of the proposal which should be in harmony with the surrounding area, particularly the adjacent buildings.

The proposed layout of the two blocks of flats does not reflect the local character and design and in particular, the upper flat within Block A has the potential for overlooking of adjacent properties and land within Allan Park and Allan Park Cottage. This, however, could be resolved by the deletion of this kitchen window or by the imposition of a condition requiring obscure glazing.

However, the crucial issue is the scale and design of the blocks in relation to adjacent buildings and the Townscape Policy Area in general. The modern design pays little or no regard to the siting and design of adjacent properties and (with the limited amount of information available) could result in wholly inappropriate development in this particular semi-rural location. The flatted property at Allan Park is shown only 8 metres from proposed three-storey Block A that would be approximately 11 metres to ridge height at this point (7.5 metres to eaves level). Given the 8 metres separation, it is considered that the proposed height of Block A could result in significant overshadowing of this property with certain visual dominance where the existing Ruberslaw is approximately 18 metres distant with a lower extension and greenhouse between.

Similarly, Allan Park Cottage at a distance of 6 metres from Block A would lose significant light and visually overwhelmed and overlooked by the three storey block of flats in such close proximity. It is however unlikely that the proposed blocks would have any significant impact in terms of loss or overlooking of properties within Arran Park at distances of 50 metres or more. Similarly the location and height of Block B would have no significant impact on Carisbrooke in respect of daylighting or visual dominance but would have in respect of uneasy design relationship.

- *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 and recommends conditions in respect of the access design, car parking provision and turning. While the proposed parking court may not represent the best solution visually, a revised solution could be achieved by planning condition.

On this basis the proposal would be consistent with policy LP ENV 19 (and LP TRAN 4 and TRAN5 below).

- *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 in principle to the provision of a water supply to serve the development but comment that there may be capacity/connection issues regarding wastewater and potential water pressure issues that would require to be resolved should permission be granted.

The proposal would be contrary to Policy LP ENV 19 of the Argyll and Bute Local Plan Post Inquiry Modifications in respect of a poorly designed scheme for two blocks of modern flats within a traditional townscape area do not pay due regard to the existing settlement character, design, siting and proximity of adjacent dwellings and their amenity spaces. Development of a three-storey block of flats could have the potential to visually overwhelm and dominate existing dwellings in close proximity leading to potential problems of overlooking, overshadowing, loss of privacy and daylight and visual dominance by virtue of inappropriate scale, design and siting.

C. Built Environment

The proposal involves the demolition of a Victorian villa without any reasonable justification as to its structural condition and potential conversion into flats.

The surrounding settlement character within the Innellan Townscape Policy Area / Special Built Environment Area is typified by a strong line of mainly traditional two-storey dwellings along Shore Road with occasional bungalows (built before adoption of the Cowal Local Plan with improved design policies). Generally the scale of development in this area is two-storey with shallow hipped or pitched and gabled roofs with traditional features and front garden parking.

The proposed development of two modern block of flats, that do not pay respect to their traditional surroundings, would have a significant detrimental impact on the character of this designated townscape area. The scale, design, external materials and overly suburban form of the proposed development is considered inappropriate within the townscape policy area that could establish a dangerous precedent if approved.

On the basis of the above, the proposal is considered inconsistent with Policies POL BE4 'Townscape Policy Areas' and POL BE9 of the adopted Cowal Local Plan; and policies LP ENV14 'Development in Special Built Environment Areas' and Policy LP ENV 18 'Protection and Enhancement of Buildings' of the Argyll and Bute Local Plan Post Inquiry Modifications in respect of inappropriate design within a Townscape Policy Area that involves the demolition of a traditional Victorian villa. Furthermore, if approved, the development could result in an unacceptable precedent for similar villa sites within the Innellan Townscape Policy Area.

D. 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, access design, car parking and turning.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN 4 and TRAN 6 of the Argyll and Bute Local Plan Post Inquiry Modifications.

E. Infrastructure

It is proposed to connect to both the public water and waste water systems. Scottish Water has no objection in principle to the provision of a water supply to serve the development but comment that there may be capacity/connection issues regarding wastewater and potential water pressure issues that would require to be resolved should permission be granted.

On the basis of the above, the proposal is considered consistent with Policy POL PU 1 of the Cowal Local Plan 1993 and Policies SERV1 and SERV2 of the Argyll and Bute Local Plan Post Inquiry Modifications.

CONCLUSION

Whilst the department recognises the dimensions of the application site and difficulty of building in front of and behind the established building line, it is considered that the development process should begin with a clear justification as to the potential conversion or redevelopment of the existing villa, Ruberslaw. If the building cannot be suitably adapted, an appropriate residential development on the site should be acceptable in principle. No such justification has been submitted for the total demolition of Ruberslaw.

However, in the absence of a Design Statement and without stifling contemporary design even within this Townscape Policy Area, the overall design of the two flatted blocks does not meet the department's expectations and is considered to be unacceptable. It would appear that the desire to create an upper floor flat within Block A has resulted in a building that looks cumbersome and awkward in its relationship to its neighbours. A reduction to four flats within Block A could help reduce the bulk of this block to two-storey. Additionally, the proposed blocks do not have a comfortable relationship with each other and collectively within their more traditional semi-rural surroundings.

Development of this large site with proposed Block A much closer and higher to its neighbours than the existing Ruberslaw will result in an unacceptable development close to existing dwellings. The general design and poor articulation of the flatted blocks with oversailing projecting roof, large areas of glazing and projecting balcony features do not assist the buildings integrate or harmonise with their traditional semi-rural surroundings. The siting, scale and design of the proposed blocks such close proximity to existing dwellings at Allan Park, Allan Park Cottage and Carisbrooke, 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 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 Argyll and Bute Local Plan Post Inquiry Modifications.

The views above are echoed by the ten letters of objection received from neighbouring residents who express valid planning concerns as to why these buildings would not be 'good neighbours', in particular Block A. Suggestions have been made as to the conversion of Ruberslaw in the first instance, relocating the three storey element further way from Allan Park or referring to a recent appropriate infill development beside the former Braemar Hotel nearby. Other issues regarding over-development, siting, loss of privacy, visual dominance and settlement character have been raised by neighbouring residents and supported by the department.

Such a development with its particular siting, layout, scale massing and design would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern within the Innellan Townscape Policy Area. 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', Policy BE4 'Townscape Policy Areas' and BE 9 ' Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV14 'Development in Special Built Environment Areas', Policy LP ENV 18 'Protection and Enhancement of Buildings', 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 Local Plan Post Inquiry Modifications, all of which presume against the nature of the development proposed and does not justify the grant of planning permission.