

# Stewart McNee (Dunoon) Ltd

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20th February 2012

Committee Services (Local Review Board)  
Argyll & Bute Council  
Kilmory  
Lochgilphead  
PA31 8RT

For the attention of: Fiona McCallum

Dear Fiona,

Proposed Additional Storey with a Pitched Roof and External Alterations to 22 Jane Street, Dunoon, PA23 - Ref No. 12/0004/LRB

Further to your notification of the statement of case submitted by the Planning Authority I would respond as follows.

The matters raised in the consultations can be easily dealt with as demonstrated by the detail of the previous building warrant approval.

With regards to the concern in relation to the provision of amenity space we would question exactly how much amenity space is required for a 1 bed flat with a large private balcony area. Please note that there is also significant public amenity spaces close by at either West Bay or the Castle Gardens. We also proposed to address this aspect through the inclusion of the rear amenity space for the property at 24 Jane Street, which as previously mentioned is owned by the applicant. There are generous garden grounds serving this property which can easily have accommodated communal amenity space for a 1 bed flat at 22 Jane Street and properties at 24 Jane Street.

I also note that the planning authority has considered the proposal as a bad neighbour in reverse and refused primarily on these grounds. The definition of bad neighbour in the adopted local plan is as defined in Schedule 7 of the Town and Country Planning General Development Procedure (Scotland) Order 1992 within which a car mechanics is not specified as a bad neighbour. Furthermore the area is mixed in character with residential properties neighbouring the application site. The schedule does specify developments that would affect residential property by reason of fumes, noise, vibration etc as bad neighbour however we would again state that Public Protection were satisfied that these matters could be addressed by means of condition and would suggest that the case officer should have provided us with the opportunity to address these if it was deemed that

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BUILDING

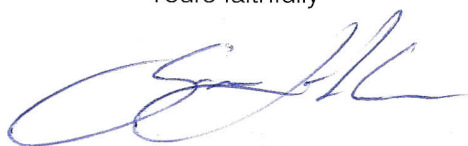


they may be of a concern beyond the terms of the conditions. The planning authority have stated in the report of handling that Policy LP Bad2 is crucial in the consideration of this application however it is clear that in the consideration that the proposal constitutes bad neighbour in reverse is unfounded. We would therefore consider that it is premature and inaccurate to refuse the application on the grounds that it is contrary to policy LP Bad2 as the matters could be adequately and to the satisfaction of the consultees be controlled by conditions, or by the submission of further information if it was requested, that would have adequately addressed these concerns and resulted in the proposal complying with this crucial policy.

In summary the consultation responses were favourable subject to conditions that could have been addressed.

Considering this we would consider that subject to appropriate conditions as suggested by the consultees the application would comply with the relevant policies of the adopted local plan and the application should therefore be approved by the review board.

Yours faithfully



Graeme Johnstone