

**MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the SANDBANK
VILLAGE HALL, SANDBANK, DUNOON
on WEDNESDAY, 21 MAY 2008**

Present: Councillor B Marshall (Chair)

Councillor A MacAlister
Councillor R Macintyre

Councillor R Simon

Attending: Shirley MacLeod, Area Corporate Services Manager
David Eaglesham, Area Team Leader, Development Control

Mr David Keith, Bracewell Stirling Architects – Applicants Agent
Mr Nick Bancks – Applicant
Mrs Karen Bancks – Applicant

Mr J Massey – Objector
Mrs I Collier – Objector

1. APOLOGIES

Apologies for absence were intimated on behalf of Councillors McNaughton, McQueen, Scoullar, Strong and Walsh

2. DECLARATIONS OF INTEREST

None

3. PLANNING APPLICATION 08/00550/DET, MR N BANCKS, LAND SOUTH EAST OF CLADDY HOUSE, SHORE ROAD, SANDBANK

The Chair introduced the Members of the Area Committee, and welcomed the Director of Development Services' representative, the applicant, consultees and objectors to the Formal Planning Hearing. The Area Corporate Services Manager outlined the procedure and purpose of the Hearing which was to allow all interested parties to state their case to the Area Committee, and for Members to debate the merits of the case and reach a decision on the planning application.

Planning Department

David Eaglesham, Team Leader, Development Control, gave a detailed and illustrated description of the proposed development. He said the application was for the Erection of a one and a half storey cottage of traditional design. Mr Eaglesham said that he had received no objection from consultees but 6 letters of representation from members of the public on overlooking, loss of view, impact on the surrounding properties, overdevelopment, flooding issues and the access being too narrow. Mr Eaglesham said that the main concern was whether the proposed layout and design was appropriate in this location and that the application was not in accordance with policy and asked Members to refuse the application.

Applicant

Mr David Keith, Bracewell Stirling Architects, said the site was part of the garden ground of Claddy House. Mr Keith advised the meeting that the site is situated for a new house and the development will have no detrimental effect on the existing settlement pattern. Mr Keith spoke on the settlement pattern, building lines and plot frontages. He said the plot has its own access which was historically never part of Claddy House, that the issue of flooding had been raised by various parties and a flood assessment would be carried out, the stability of the boundary wall will be looked at by a civil engineer and any remedial action carried out. The house design was acceptable to planners and the plot size is one of the largest in the area. Mr Keith spoke on the overlooking issues saying that the distance was an acceptable distance because the windows were not front to front but at an angle, his client was willing to change the bedroom window to be velux so that it would not be overlooking.

Mr Bancks said that the application he submitted 2-5 years ago was similar in content but he has looked into the problems and submitted a completely new application, in which privacy issues have been addressed. Mr Bancks advised Members that he had reduced the height of the building from two storeys to one and a half, they have changed the place of the plot and have had a structural engineer look at the wall of the burn. Mr Bancks said he would investigate the flooding issues but no consultees raised concerns on the basis of flooding. Mr Bancks said that there was no problem with privacy of Claddy House because the two front windows were at an obtuse angle. Claddy House is the largest plot size amongst neighbouring ones so there would be no problem with overcrowding. There is an existing driveway into Claddy House so there is a feeling that there is something missing from the area. There are no flooding issues and the consultees have no concerns. They are not creating boundaries or barriers so the driveway will blend into the area. The development meets all requirements in the Local Plan and would not ruin the character of the area.

Mr Keith said that although the level of the ground on the site sits higher than Claddy House the house itself will sit lower. Mr Keith asked Members to approve the application.

Consultees

Shirley MacLeod, Area Corporate Services Manager explained that none of the Consultees had anything further to add.

Objectors

Mr Massey said he was speaking on behalf of the other objectors. Mr Massey said that there was not problem with flooding at Claddy House but it was a problem at the Police Station and all other properties in the area. Mr Massey said that pipes had been put in to alleviate this flooding and they run through the ground where the development is intended and that all other properties in the area have flooding issues. Mr Massey said that the ground and entrance was never a house but a coal yard and was this is not suitable to be building on. Mr Massey also said that Burnside Villa had the largest frontage not Claddy House. Mr Massey asked Members to listen to the Planning Department and refuse the

application.

Mrs Collier said that it was not feasible to leave the boundary open at the front owners in the future would need to know where the boundaries are.

The Chairman then invited questions from Members of the Committee.

Questions for Members

Members asked questions on replacing the gable window overlooking Claddy House with a velux window, window to window distances, overdevelopment of the site, the frontage of Claddy House, the separation of the ground at Claddy House, flooding from the High Road, the wall at the burn, and clarification on whether the site was originally a coal yard.

The Chairman then invited the speakers to sum up.

Summing Up

David Eaglesham said he had very little to add, the development did not fit into the character of the area, investigation into the pipes could overcome the flooding concerns but his Department were recommending refusal of the application on the basis of principal.

Mr Keith said that the window policy is 18m between directly interlooking windows and the development's window was not directly interlooking so 11m was sufficient, his client were happy to delete the window in the gable and provide a velux window. Mr Keith said that there was no evidence of overdevelopment, flooding was not an issue, there is a problem higher up behind the development and his client will accommodate whatever pipeline comes through his property. The strength of the wall is dealt with under conditions, the front garden already has physical separation.

Mr Bancks said that he had provided sufficient information to overcome any major or minor concerns raised and there was no evidence to reuse the application.

Mr Massey said that Burnside Villa had the largest frontage and asked Members to listen to the advice of officers employed by the council and refuse the application.

Mrs Collier had nothing further to add.

The Chairman asked, and the participants confirmed they had each had a fair hearing.

The Committee then debated the merits of the application.

Decision

The Committee refused the application in terms of the report by the Head of Planning.