

Public Document Pack

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



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1 December 2008

NOTICE OF MEETING

A meeting of the **BUTE AND COWAL AREA COMMITTEE** will be held in the **QUEEN'S HALL, DUNOON** on **TUESDAY, 2 DECEMBER 2008** at **10:00 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. APOLOGIES

2. DECLARATIONS OF INTEREST

3. MINUTES

(a) Minute of Area Committee of 4th November 2008 (Pages 1 - 10)

4. COWAL WAY - PRESENTATION BY ANNE CRAIG & JIM MCLUCKIE

5. CORPORATE SERVICES

(a) Verbal Report on Dunoon - Gourock Ferry Service

(b) Dunoon Notice Boards (Pages 11 - 12)

(c) Bute & Cowal Area Plan - report to follow

6. PUBLIC AND COUNCILLOR QUESTION TIME

7. DEVELOPMENT SERVICES

(a) Outline Planning Application 08/01077/OUT, Mr Robert McSeveney, Land to the rear of Portvasgo, Cromlech Road, Sandbank (Pages 13 - 26)

- (b) Planning Application 08/01421/DET, D M Rentals, Garden Ground of 58 McArthur Street, Dunoon (Pages 27 - 42)
- (c) Planning Application 08/00607/DET, J McNaughton, Site 1 Land 250 Metres South of Salthouse, Colintrave (Pages 43 - 52)
- (d) Planning Application 08/00611/DET, J McNaughton, Site 2 Land 250 Metres South of Salthouse, Colintrave (Pages 53 - 64)
- (e) Planning Application 08/00751/DET, RWC Developments, R Rwakishasha & D Cunningham, Land North West of Haughton House, Dunoon (Pages 65 - 78)
- (f) Delegated Development Control and Building Control Decisions (Pages 79 - 92)

8. EXEMPT ITEMS

- E1** (a) Enforcement Reports (Pages 93 - 98)

EXCLUSION OF THE PRESS AND PUBLIC

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

The appropriate paragraph is:-

E1 - Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes-

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

BUTE & COWAL AREA COMMITTEE

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

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

Contact: Shirley MacLeod, Area Corporate Services Manager

MINUTES of MEETING of BUTE AND COWAL AREA COMMITTEE held in the EAGLESHAM HOUSE, MOUNTPLEASANT ROAD, ROTHESAY on TUESDAY, 4 NOVEMBER 2008

Present: Councillor B Marshall (Chair)

Councillor A MacAlister	Councillor L Scoullar
Councillor R Macintyre	Councillor R Simon
Councillor A McNaughton	Councillor I Strong
Councillor J McQueen	Councillor J R Walsh

Attending: Shirley macLeod, Area Coprorate Services manager
David Eaglesham, Area Team Leader Development Control
Alan Kerr, Network and Environmnet Manager
George Craig, Assistant Roads & Amenity Services Manager
Caroline Sheen, Estates Surveyor

Chief Inspector Andy Mosley, Strathclyde Police.

1. APOLOGIES

None

2. DECLARATIONS OF INTEREST

Councillor J R Walsh declared a non financial interest in agenda item 7f by reason of a relative being an objector .

3. MINUTES

(a) MINUTE OF AREA COMMITTEE OF 6TH OCTOBER 2008

The Minute of the Area Committee of 6th October 2008 was approved as a correct record.

4. CORPORATE SERVICES

(a) VERBAL REPORT ON DUNOON - GOUROCK FERRY SERVICE

The Committee heard an update from the Area Corporate Services Manager on the Gourock/Dunoon Ferry Service.

Decision

The Committee noted the detail provided on this matter.

(b) MEMBER REPRESENTATION ON CLACHAN FLATS WINDFARM TRUST

Members heard from the Area Corporate Services Manager on the appointment of an elected Member from Ward 6, to the newly formed Clachan Flats Wind Farm Trust.

Decision

The Committee agreed to appoint Councillor Bruce Marshall to be the Council representative on the Clachan Flats Wind Farm Trust.

(Reference: Report by the Area Corporate Services Manager dated 20th October 2008 – submitted)

(c) **BUTE & COWAL AREA PLAN**

The Area Corporate Services Manager explained that the Area Plan template had changed and that this item would come to the December Area Committee.

Decision

The Committee noted the detail provided.

5. OPERATIONAL SERVICES

(a) **REVISION OF CAPITAL RECONSTRUCTION PROGRAMME 2008/ 2009**

Members heard from the Assistant Amenity Services Manager on the revision of the Roads Capital Budget in the Bute and Cowal Area during 2008/09.

Decision

The Committee:

- i. Noted and approved the proposed revision to the schemes as identified in Appendix A.
- ii. Asked that their concerns over the scrutiny of the decision making process be recorded in the minutes.
- iii. Asked that Eccles Road be kept on the programme and completed after the Renfield Residential Home development has been completed.

(Reference: Report by the Operations Manager – submitted and tabled)

(b) **ARGYLL ROAD, DUNOON: RESIDENTS PARKING**

Members heard from the Network and Environment Manager on the parking problems relating to residential parking on Argyll Road, Dunoon.

Decision

The Committee agreed to resources being allocated to promote a residential permit parking scheme.

(Reference: Report by the Head of Roads & Amenity Services dated 23rd October 2008 – submitted)

6. PUBLIC AND COUNCILLOR QUESTION TIME

Mr Boreland from the Buteman asked the Committee about the appeal for the Inchmarnock Fish Farm and David Eaglesham advised that a pre public enquiry meeting was timetabled for the 24th February 2009.

Aileen MacNicol from the Dunoon Observer asked if all the Outline Business Cases had been submitted on time and was the decision going to be made on the 27th November and was advised that both dates would be

Members asked Chief Inspector Mosley about speeding cars and the Chief Inspector advised Members that if they had a particular problem area to inform him and he would put out his monitoring equipment and then put resources in that area if the evidence identifies a problem.

Members asked about the conditions of the yellow and white lines in the Bute and Cowal area and George Craig gave advice. George Craig also updated Members on the reconstruction of the B836, Rankins Brae and Queen Street.

Aileen MacNicol from the Dunoon Observer asked what was happening with the yellow lines in Alexander Street, Dunoon and Alan Kerr advised that his Department were starting a consultation of the whole Dunoon area.

7. DEVELOPMENT SERVICES

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

Decision

The application be continued to the December Area Committee to allow Members time to formulate a competent motion.

(Reference: Report by the Head of Planning Services dated 25th September 2008 – submitted)

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

Motion

That the development as proposed be accepted as it is consistent with both the aims and intentions of STRAT DC9 in that the development in terms of the window design and opening mechanism will not undermine the Historic, Architecture or Cultural qualities of the Historic environment due to the design of the proposed windows.

That as the character and appearance of the conservation area will suffer no detriment due to the design and window opening arrangement of the

proposed windows, the proposal is consistent with POL BE6 of the Bute Local Plan.

The proposed development is of sufficient quality in terms of design and window opening arrangement, will preserve and enhance both the character and appearance of the Listed Building, will not adversely impact on the Conservation Area and be consistent with Policy ENV 14, including quality which will not be inconsistent with the intention of Historic Scotland's Memorandum of Guidance.

Proposed: Councillor J R Walsh
Seconded: Councillor I Strong

The Area Corporate Services Manager and Area Team Leader, Development Control advised Members that this was not a competent motion and advised that it would be recorded in the minutes that this advice had been given to Members.

The Chair ruled that the motion was competent.

Decision

The Committee unanimously agreed with the Motion and referred the application to the Protective Services and Licensing Committee.

(Reference: Report by the Head of Planning Services dated 26th September 2008 – submitted)

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

Motion

That the development as proposed be accepted as it is consistent with both the aims and intentions of STRAT DC9 in that the development in terms of the window design and opening mechanism will not undermine the Historic, Architecture or Cultural qualities of the Historic environment due to the design of the proposed windows.

That as the character and appearance of the conservation area will suffer no detriment due to the design and window opening arrangement of the proposed windows, the proposal is consistent with POL BE6 of the Bute Local Plan.

The proposed development is of sufficient quality in terms of design and window opening arrangement, will preserve and enhance both the character and appearance of the Listed Building, will not adversely impact on the Conservation Area and be consistent with Policy ENV 14, including quality which will not be inconsistent with the intention of Historic Scotland's Memorandum of Guidance.

Proposed: Councillor J R Walsh

Seconded: Councillor I Strong

The Area Corporate Services Manager and Area Team Leader, Development Control advised Members that this was not a competent motion and advised that it would be recorded in the minutes that this advice had been given to Members.

The Chair ruled that the motion was competent.

Decision

The Committee unanimously agreed with the Motion and referred the application to the Protective Services and Licensing Committee.

(Reference: Report by the Head of Planning Services dated 26th September 2008 – submitted)

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

Motion

Planning applications require to be determined in accordance with the development plan unless material considerations dictate otherwise. The development plan comprises the Bute Local Plan (adopted in 1991) and the Argyll and Bute Structure Plan (approved in 2002).

Bute Local Plan

Little weight should now be attached to the Bute Local Plan because of its age, since SPP1 requires that *“Reviews and revisions of local plans should be completed within 5 year of adoption, so that they provide an up to date basis for guiding investment and for development control decisions”*.

Moreover, the Regulations also state that where the provisions of two plans conflict, the provisions of the latter should prevail. Since Policy STRAT DC9 of the Argyll and Bute Structure plan, while promoting protection of the historic environment, states that *“More detailed policy and proposals for the historic environment will be set out in the Local Plan”* there is clearly no endorsement in the Structure Plan of the policies in the aged Bute Local Plan (or, for that matter, the Design Guide on Replacement Windows 1991, Historic Scotland’s Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, NPPG 18 and the Rothesay Window Policy Statement).

Argyll and Bute Structure Plan

Consequently, so far as the development plan is concerned, all that can be relied upon is Policy STRAT DC9 of the Argyll and Bute Structure Plan which, in broad terms, merely exhorts protection of the historic environment. Even so, the Structure Plan itself is dated since SPP1 advises that *“Structure plans should be reviewed at least every 5 years, and policies formally reaffirmed or amended to reflect changing conditions and expectations”*.

Material Considerations

SPP1 advises that the range of considerations which might be considered material in planning terms is, in practice, very wide and falls to be determined in the context of each case.

So far as these material considerations are concerned, we are advised that considerable weight can now be given to the Argyll and Bute Local Plan which is now at an advanced stage towards adoption. Policies LP ENV 13a and LPENV14 are relevant. However, although they endorse Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, there is no endorsement of the Design Guide on replacement windows 1991 or the Rothesay Window Policy Statement. These latter non-statutory policy documents can therefore be discounted.

Historic Scotland's **Memorandum of Guidance on Listed Buildings and Conservation Areas** is another material consideration, both by virtue of being extant government policy, supported by NPPG 18, and by the endorsement of the emerging Local Plan. The Head of Planning's report fairly sets out that the current proposal is contrary to the Memorandum. However, the Memorandum dates from 1998 and may itself be regarded as dated. Both it and NPPG 18 are currently subject to review. Ten years since its publication, public expectations in terms of window performance and maintenance have moved on. The Memorandum should therefore be applied with discretion.

As fairly set out in the Head of Planning's report, the subject property is a flat within a Category C(S) Listed Building, one of several within Brighton Terrace which remains largely intact. In these handsome, Alexander Thomson style villas, the fenestration is but one element included in the listing description. However, I consider that the contemporary expectations of double glazing, with its advantages of improved thermal insulation and increased comfort, should be allowed to prevail over historic authenticity. The proposed equally divided windows will, when closed, give the appearance of the existing sash and case windows and I am not persuaded that, when the windows are open, the proposed double hung method of opening will have an unduly adverse impact on the appearance and integrity of the listed building, Brighton Terrace or, indeed, the Rothesay Conservation Area. Since the building is set 14 metres approximately from the road and the line of sight is such that the windows in an open position will barely be discernible in a road which has major window replacement along its length.

I therefore move that the applications for Listed Building Consent and Planning Permission be granted as a minor departure subject to the standard conditions and reasons because the proposed windows closely match in appearance the windows which are to be replaced, would not have an adverse impact on the special architectural interest of the building and therefore can be justified in terms of Policy STRAT DC9 of the Argyll and Bute Structure Plan which prevails over the aged Bute Local Plan.

Proposed: Councillor Len Scoullar
Seconded: Councillor Robert Macintyre

The Area Corporate Services Manager and Area Team Leader,

Development Control advised Members that this was not a competent motion and advised that it would be recorded in the minutes that this advice had been given to Members.

The Chair ruled that the motion was competent.

Decision

The Committee agreed with the Motion, and it was noted that this application would be referred to the Protective Services and Licensing Committee.

Councillor Marshall, having moved an amendment which failed to find a seconder required his dissent from the foregoing decision to be recorded.

(Reference: Report by the Head of Planning Services dated 26th September 2008 – submitted)

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

Motion

Planning applications require to be determined in accordance with the development plan unless material considerations dictate otherwise. The development plan comprises the Bute Local Plan (adopted in 1991) and the Argyll and Bute Structure Plan (approved in 2002).

Bute Local Plan

Little weight should now be attached to the Bute Local Plan because of its age, since SPP1 requires that *“Reviews and revisions of local plans should be completed within 5 year of adoption, so that they provide an up to date basis for guiding investment and for development control decisions”*.

Moreover, the Regulations also state that where the provisions of two plans conflict, the provisions of the latter should prevail. Since Policy STRAT DC9 of the Argyll and Bute Structure plan, while promoting protection of the historic environment, states that *“More detailed policy and proposals for the historic environment will be set out in the Local Plan”* there is clearly no endorsement in the Structure Plan of the policies in the aged Bute Local Plan (or, for that matter, the Design Guide on Replacement Windows 1991, Historic Scotland’s Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, NPPG 18 and the Rothesay Window Policy Statement).

Argyll and Bute Structure Plan

Consequently, so far as the development plan is concerned, all that can be relied upon is Policy STRAT DC9 of the Argyll and Bute Structure Plan which, in broad terms, merely exhorts protection of the historic environment. Even so, the Structure Plan itself is dated since SPP1 advises that *“Structure plans should be reviewed at least every 5 years, and policies formally reaffirmed or amended to reflect changing conditions and expectations”*.

Material Considerations

SPP1 advises that the range of considerations which might be considered material in planning terms is, in practice, very wide and falls to be determined in the context of each case.

So far as these material considerations are concerned, we are advised that considerable weight can now be given to the Argyll and Bute Local Plan which is now at an advanced stage towards adoption. Policies LP ENV 13a and LP ENV 14 are relevant. However, although they endorse Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998, there is no endorsement of the Design Guide on replacement windows 1991 or the Rothesay Window Policy Statement. These latter non-statutory policy documents can therefore be discounted.

Historic Scotland's **Memorandum of Guidance on Listed Buildings and Conservation Areas** is another material consideration, both by virtue of being extant government policy, supported by NPPG 18, and by the endorsement of the emerging Local Plan. The Head of Planning's report fairly sets out that the current proposal is contrary to the Memorandum. However, the Memorandum dates from 1998 and may itself be regarded as dated. Both it and NPPG 18 are currently subject to review. Ten years since its publication, public expectations in terms of window performance and maintenance have moved on. The Memorandum should therefore be applied with discretion.

As fairly set out in the Head of Planning's report, the subject property is a flat within a Category C(S) Listed Building, one of several within Brighton Terrace which remains largely intact. In these handsome, Alexander Thomson style villas, the fenestration is but one element included in the listing description. However, I consider that the contemporary expectations of double glazing, with its advantages of improved thermal insulation and increased comfort, should be allowed to prevail over historic authenticity. The proposed equally divided windows will, when closed, give the appearance of the existing sash and case windows and I am not persuaded that, when the windows are open, the proposed double hung method of opening will have an unduly adverse impact on the appearance and integrity of the listed building, Brighton Terrace or, indeed, the Rothesay Conservation Area. Since the building is set 14 metres approximately from the road and the line of sight is such that the windows in an open position will barely be discernible in a road which has major window replacement along its length.

I therefore move that the applications for Listed Building Consent and Planning Permission be granted as a minor departure subject to the standard conditions and reasons because the proposed windows closely match in appearance the windows which are to be replaced, would not have an adverse impact on the special architectural interest of the building and therefore can be justified in terms of Policy STRAT DC9 of the Argyll and Bute Structure Plan which prevails over the aged Bute Local Plan.

Proposed: Councillor Len Scoullar

Seconded: Councillor Robert Macintyre

The Area Corporate Services Manager and Area Team Leader, Development Control advised Members that this was not a competent motion and advised that it would be recorded in the minutes that this advice had been given to Members.

The Chair ruled that the motion was competent.

Decision

The Committee agreed with the Motion, and it was noted that this application would be referred to the Protective Services and Licensing Committee.

Councillor Marshall, having moved an amendment which failed to find a seconder required his dissent from the foregoing decision to be recorded.

(Reference: Report by the Head of Planning Services dated 26th September 2008 – submitted)

- (f) **OUTLINE PLANNING APPLICATION 08/00577/OUT, MR & MRS DOCHERTY, LAND EAST OF DAVDISON PLACE, NORTH CAMPBELL ROAD, INNELLAN**

Having declared an interest Councillor J R Walsh left the meeting while this items was being discussed.

Decision

The planning application be refused in terms of the report by the Head of Planning Services.

(Reference: Report by the Head of Planning Services dated 27th October 2008 – submitted)

- (g) **PLANNING APPLICATION 08/01421/DET, D M RENTALS, GARDEN GROUND OF 58 MCARTHUR STREET, DUNOON**

Decision

The application be continued to the December Area Committee to allow Members an informal site familiarisation visit.

(Reference: Report by the Head of Planning Services dated 27th October 2008 – submitted)

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

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

8. EXEMPT ITEMS

(a) GAPSITE, 7/15 GALLOWGATE, ROTHESAY

The Committee heard an update report from the Estates Surveyor on the gapsite at 7/15 Gallowgate, Rothesay.

Decision

The Committee noted the recommendation in the report by the Director of Corporate Services.

(Reference: Report by the Director of Corporate Services dated 15th October 2008 – submitted)

(b) PROPOSED GRANT OF SERVITUDE RIGHT OF ACCESS

The Committee heard from the Estates Surveyor on the proposed grant of servitude right of access to the Kilfinan Community Forest Company.

Decision

The Committee agreed to the recommendations in the report by the Director of Corporate Services.

(Reference: Report by the Director of Corporate Services dated 15th October 2008 – submitted)

(c) ENFORCEMENT QUARTERLY REPORT

Decision

Quarterly Enforcement Report - Noted

**ARGYLL AND BUTE COUNCIL
CORPORATE SERVICES**

**BUTE AND COWAL
AREA COMMITTEE
2nd December 2008**

Dunoon Notice Boards.

1.0 SUMMARY

- 1.1 This report gives Members information regarding a request made by the Dunoon and Cowal Marketing Group to utilise Council owned Notice Boards in Dunoon town centre.

2.0 RECOMMENDATION

- 2.1 Members are asked to consider the request made by the Dunoon and Cowal Marketing Group, and to agree to instruct the Estates Service to draw up a suitable lease arrangement with the group.

3.0 DETAIL

- 3.1 At a recent meeting of the Partnership between the Council and the Dunoon and Cowal Marketing Group, the group requested the use of the 2 Council owned Notice Boards in Dunoon Town Centre, one of which is located outside the Queen's Hall, and one in Argyll Street outside the Argyll Hotel. The group would envisage using the Boards to promote the Dunoon and Cowal area, advertise events in the area etc.
- 3.2 Property Services have ascertained that the notice board outside the Queen's Hall is well utilised by the Hall, and that there would be little available space on it for the majority of times.
- 3.3 The board at the Argyll Hotel however is used infrequently, and is in a generally poor state of repair. Property Services would be in agreement with and supportive of the plan by DCMG to have exclusive use this board, on the basis that DCMG would update and maintain it in good condition.

4.0 CONCLUSIONS

4.1 The proposed use of the notice board at the Argyll Hotel by DCMG would facilitate effective use of a resource which is currently not used and is in a poor state of repair, would provide for the resource to be improved and thereafter maintained to a good standard, and would enable the Council's partner, DCMG, to provide effective marketing of the Dunoon and Cowal area in line with the aims and objectives of the Destination Dunoon and Cowal Initiative and the Bute and Cowal Area Plan.

5.0 IMPLICATIONS

Policy:	In line with Council Policy
Financial:	None
Personnel:	None
Equal Opportunities:	None

For further information contact: Shirley MacLeod, Area Corporate Services Manager
01369 707130

Date: 13th November 2008

DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE AND COWAL AREA COMMITTEE

Ward Number - 6 Cowal
Date of Validity - 20th June 2008
Committee Date - 2nd December 2008

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

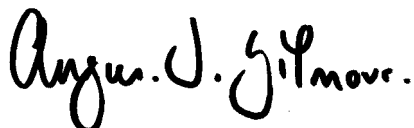
Supplementary Report

(A) FURTHER INFORMATION

A meeting of the Council on 6 November 2008 approved the Council's response to the Reporters' recommendations and subsequent proposed modifications to the Argyll and Bute Local Plan as contained in the Statement of Decisions on Reporters' Findings. Any reference in my original report to the "*Argyll and Bute Modified Finalised Draft Local Plan*" should therefore now be read as "*Post Inquiry Modified Argyll and Bute Local Plan, November 2008*". While these changes to the emerging Local Plan do not affect my assessment of this application, the suggested reasons for refusal need to be updated to reflect the changed policy status.

(B) RECOMMENDATION

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



Angus J Gilmour
Head of Planning
24 November 2008

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 18 November 2008
Date: 24 November 2008

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01077/OUT

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

Accordingly, such a development with its particular siting and layout would be contrary to the principles of sustainable development and of protecting and enhancing the quality of the environment and established settlement pattern. The proposal would therefore be contrary to: Scottish Planning Policy SPP1 "The Planning System"; SPP 3 'Planning for Housing'; Planning Advice Note 67 - 'Housing Quality'; Policies STRAT SI 1 'Sustainable Development', STRAT DC1 'Development Within The Settlements' and STRAT HO 1 'Housing- 'Development Control Policy' of the Argyll and Bute Structure Plan 2002; Policies HO 8 'Infill, Rounding-Off and Redevelopment' and BE 9 'Layout and Design of Urban Development' of the Cowal Local Plan 1993; and Policies LP ENV 19 'Development Setting, Layout and Design' and LP HOU 1 'General Housing Development' of the Post Inquiry Modified Argyll and Bute Local Plan, November 2008, all of which presume against the nature of the development proposed.

2. Given the existing lawful use of the adjacent Class 6 activities within the curtilage of *Ellangowan* i.e. LPG bottled gas storage compound and other commercial storage or distribution uses, a dwellinghouse located immediately adjacent to such a complex would result in a poor standard of amenity, given the range of uses which could be carried out without the benefit of planning permission, resulting in disturbance generated by noise, smell and activities associated with such uses. Accordingly, the development would be contrary to SPP 3 'Planning for Housing'; PAN 56 "*Planning and Noise*", and Policy LP BAD 2 '*Bad Neighbour in Reverse*' of the Post Inquiry Modified Argyll and Bute Local Plan, November 2008, which comment that:

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

"The juxtaposition of incompatible uses can cause problems for the occupiers of both the new and existing development. For example, where a residential development is proposed in the vicinity of existing industrial uses, the expectations of new residents may exceed the standards applied by the planning authority and which may give rise to local pressure to curtail the existing use. Planning authorities should therefore, try as a matter of good practice to keep a suitable distance between noise sensitive development and established businesses that generate noise." (para 46) (Planning Advice Note 56 - 'Planning and Noise')

"a presumption against proposals that will introduce new incompatible development and associated uses into or adjacent to areas already containing developments classed as 'Bad Neighbours'. The amenity of such a new residential use would not be as high as reasonably would be anticipated and could will result in complaints of noise and general disturbance complaints or related issues in the future if permitted. The 'bad neighbour' policy in reverse seeks to prohibit such potential conflicts for the future". (Policy LP BAD2 of the Post Inquiry Modified Argyll and Bute Local Plan, November 2008)

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

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

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

(ii) Other specified operations.

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

(B) RECOMMENDATION

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

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

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

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

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

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

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

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

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

(ii) Representations:

No letter of representation has been received.

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

Not required.

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

Not applicable. The application is recommended for refusal.

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

No

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

No.

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

No, the application is recommended for refusal.

(viii) Has a sustainability Checklist Been Submitted:

No

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

Author: Brian Close
Reviewing Officer: David Eaglesham

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

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01077/OUT

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

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

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

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

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

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

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

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

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

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

(a) Argyll and Bute Structure Plan 2002

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

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

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

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

(b) Cowal Local Plan 1993 (adopted 1995)

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

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

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

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

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

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

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

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

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

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(d) Scottish Government Advice

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

(ii) SITE HISTORY

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

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

Related History

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

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

(iii) CONSULTATIONS

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

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

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

(iv) PUBLICITY AND REPRESENTATIONS

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

(v) APPLICANT'S SUPPORTING INFORMATION

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

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

A. Settlement Strategy

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

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

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

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

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

B. Location, Nature and Design of Proposed Development

(i) Development Setting

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

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

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

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

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

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

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

(ii) Development Layout

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Road Network, Parking and Associated Transport Matters

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

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

D. Infrastructure

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

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

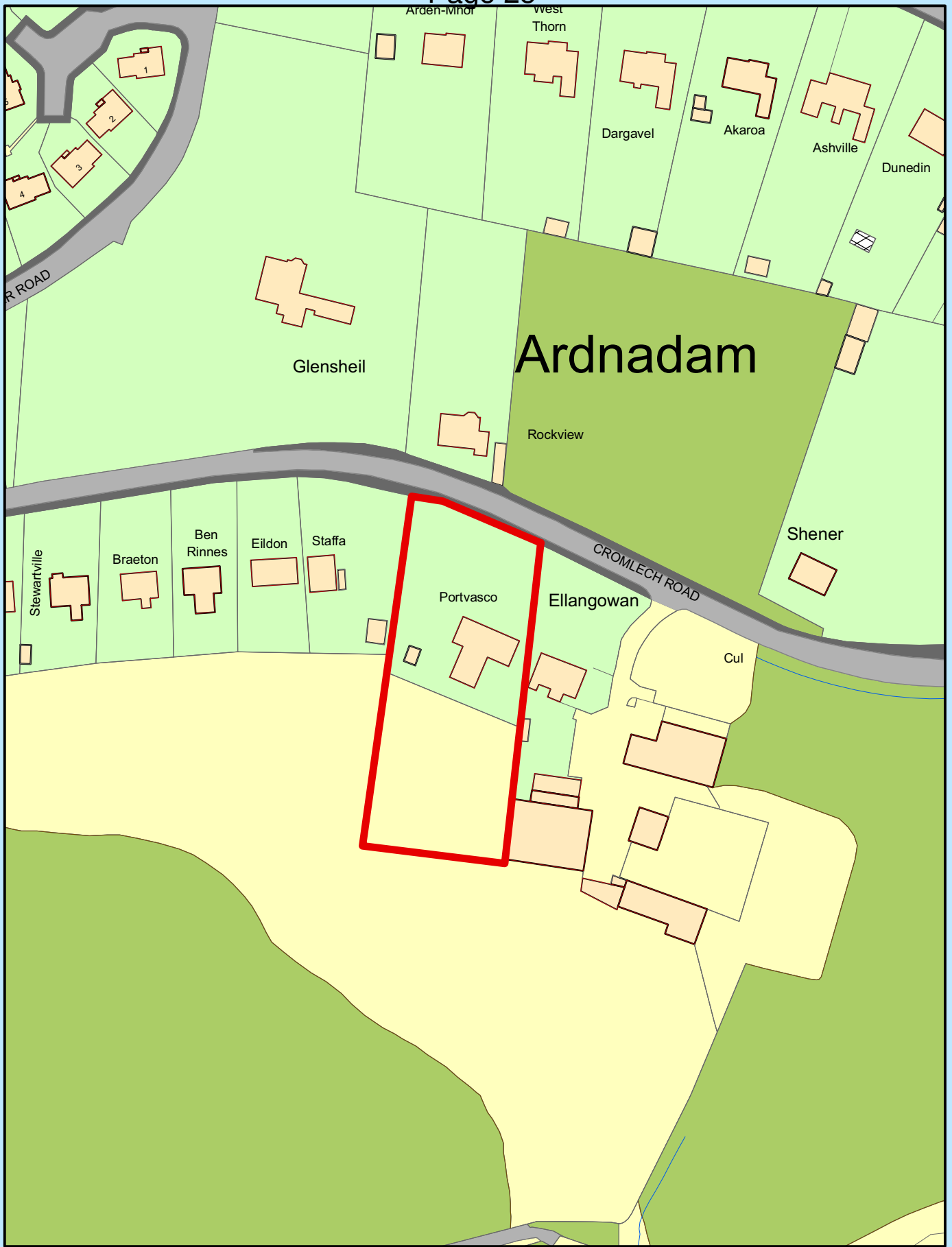
CONCLUSION

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

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

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

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



COMMITTEE LOCATION PLAN RELEVANT TO APPLICATION 08/01077/OUT

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



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DEVELOPMENT SERVICES
PLANNING APPLICATION REPORT
BUTE & COWAL

Ward Number - 7 Dunoon
 Date of Validity - 1st August 2008
 Committee Date - 2nd December 2008

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

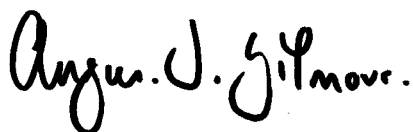
Supplementary Report

(A) FURTHER INFORMATION

A meeting of the Council on 6 November 2008 approved the Council's response to the Reporters' recommendations and subsequent proposed modifications to the Argyll and Bute Local Plan as contained in the Statement of Decisions on Reporters' Findings. Any reference in my original report to the "*Argyll and Bute Modified Finalised Draft Local Plan*" should therefore now be read as "*Post Inquiry Modified Argyll and Bute Local Plan, November 2008*". These changes to the emerging Local Plan do not affect my assessment of this application.

(B) RECOMMENDATION

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



Angus J Gilmour
Head of Planning
 24 November 2008

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

20 November 2008
 24 November 2008

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

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

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

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

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

(ii) Other specified operations.

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

(B) RECOMMENDATION

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

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

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

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

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

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

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

(ii) Representations:

Two letters of objection have been received.

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

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

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

Not applicable.

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

No.

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

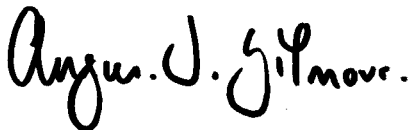
No.

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

Not required.

(viii) Has a sustainability Checklist Been Submitted:

No.



Angus J Gilmour
Head of Planning
27 October 2008

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

20 October 2008
27 October 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION 08/01421/DET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

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

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

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

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

(b) Cowal Local Plan 1993 (adopted 1995)

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

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

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

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

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

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

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

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

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

(d) National Guidance

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

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

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

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

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

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

(ii) SITE HISTORY

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

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

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

(iii) CONSULTATIONS

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

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

(iv) PUBLICITY AND REPRESENTATIONS

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

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

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

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

(v) APPLICANT'S SUPPORTING INFORMATION

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

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

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

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

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

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

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

B. Location, Nature and Design of Proposed Development

(i) Development Setting

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

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

(ii) Development Layout

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Road Network, Parking and Associated Transport Matters

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

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

D. Infrastructure

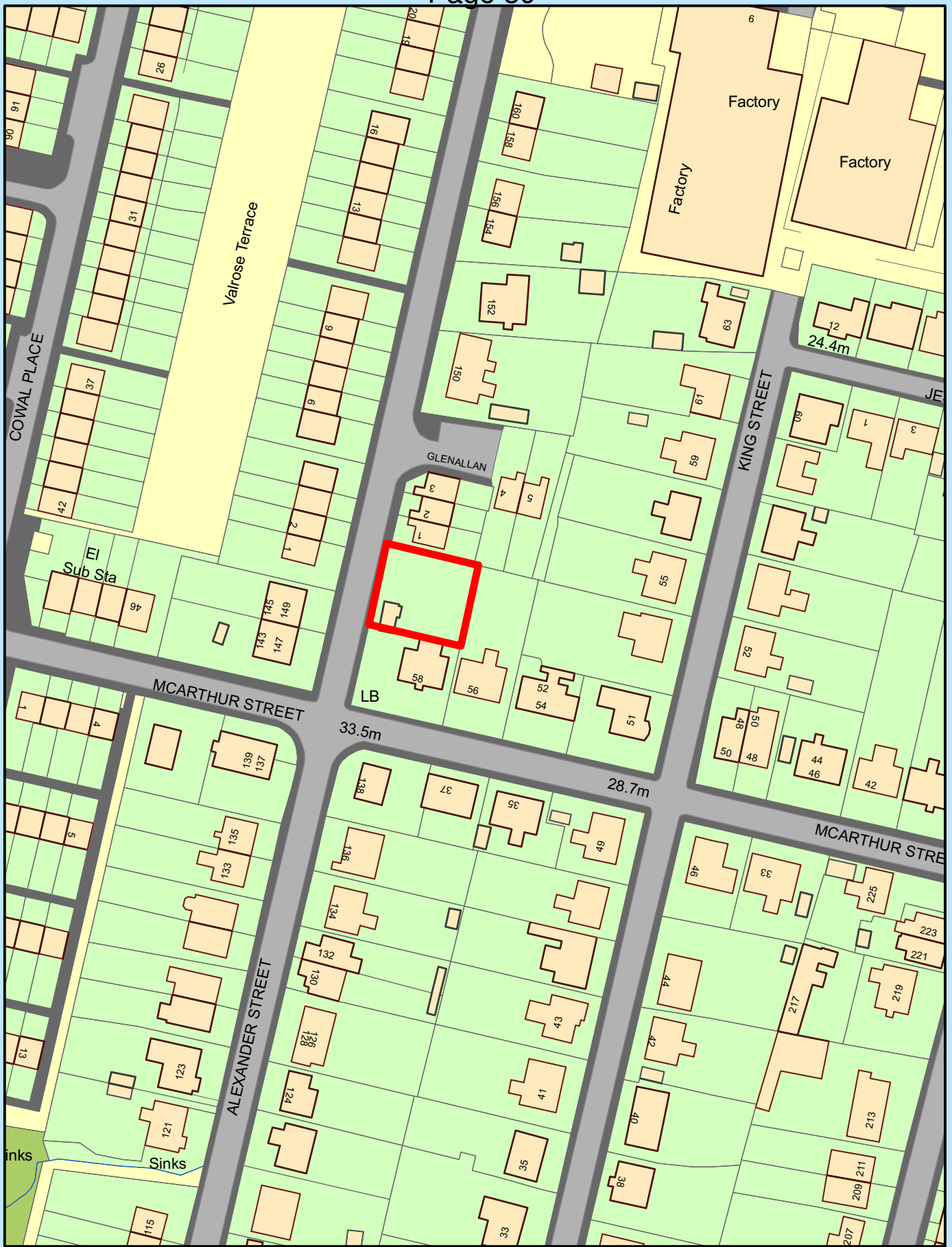
It is proposed to connect to the public water main and public sewer. Scottish Water has no objections but do require a totally separate surface water drainage system which can be covered by a condition.

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

CONCLUSION

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

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



**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/01421/DET**

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

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**AERIAL VIEW
RELEVANT TO PLANNING
APPLICATION 08/01421/DET**

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



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

Ward Number - 6 Cowal
Date of Validity - 12th March 2008
Committee Date - 2nd December 2008

Reference Number: 08/00607/DET
Applicants Name: John McNaughton
Application Type: Detailed
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.
Location: Site 1, Land 200 metres South of Salthouse, Colintrave, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

(ii) Other specified operations

- Connection to public water main

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, 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:

With regards to the adopted Cowal Local Plan, the principal policy assessment relates to Policy RUR 1 and HO 10, as this application site lies within the Kyles of Bute National Scenic Area. It is considered that the proposal will have an adverse environmental impact (both landscape and visual) on the National Scenic Area, by virtue of it being contrary to the existing settlement pattern, introducing a new use in the open countryside that is important to separating the nodes of development which make up the defined settlement pattern along the B866 and which prevent unacceptable ribbon development. The proposed development is contrary to the provisions of Policies RUR 1 and HO 10 of the adopted Cowal Local Plan.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of this ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and visual impact of the area. The proposal is, therefore, contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

(ii) Representations:

No letters of representation have been received.

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

N/A

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

N/A

(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.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
28 November 2008

Author: John Irving
Reviewing Officer: David Eaglesham

Date: 25th November 2008
Date: 25th November 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: 08/00607/DET

1. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. Given the topography of the site and its location with the Kyles of Bute National Scenic Area, combined with the excessive massing and scale of the proposed dwellinghouse and associated sweeping access track, results in a development with an unacceptable wider landscape impact. The scale and elevated footprint position of this dwellinghouse and required underbuild removes the ability of the existing woodland along the lower slopes of the site to successfully screen and absorb the development. The proposal is therefore considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' and STRAT DC 8 '*Landscape & Development Control*' of the Argyll & Bute Structure Plan 2002, policies POL RUR 1 '*Landscape Quality*' and POL HO 10 '*Housing Development in the Countryside*' of the Cowal Local Plan 1993, policies LP HOU 1 '*General Housing Development*' and LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
3. While the dwellinghouse boasts elements of traditional design, it is considered that the overall scale, massing and proportion of the dwellinghouse is excessive and this is amplified by the required underbuild. Furthermore, the topography of this site has dictated an excessive access road layout and limited the amount of meaningful external amenity space. The proposal is therefore considered to be contrary Policy LP ENV 19 '*Development Setting, Layout & Design*' along with Appendix A of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008) and the Argyll & Bute Council Sustainable Design Guidance 1 '*Small Scale Housing Development*' 2006. Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
4. Approval of this application is considered premature until the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll and Bute Local Plan 2008.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00607/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' restricts small scale development to infill and rounding off sites, redevelopment and change of use of existing buildings.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development within NSA's which has an adverse wider landscape or coastscape impact.

Cowal Local Plan 1993

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development*' in the Countryside' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

Policy POL PU 3 '*Protection of Existing Properties with Private Services*' seeks to resist development that could have a detrimental effect on existing services (water and sewerage) to properties.

Post Inquiry Modified Argyll and Bute Local Plan (November 2008)

LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

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

Note (i): The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.

Note (ii): The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk

National Guidance

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

(ii) SITE HISTORY

Planning application 05/01663/OUT for the erection of two dwellinghouses was withdrawn on 7 July 2006. Southern end of application site lies within this current application site

There is an associated planning application 08/00611/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate south of this site.

(iii) CONSULTATIONS

SEPA (letters dated 16th April and 17th June 2008): No objection subject to condition.

Scottish Natural Heritage (letter dated 22nd May 2008): Objection

Area Roads Manager (memo dated 17th April 2008): No objection subject to conditions.

Scottish Water (letter dated 7th April 2008): No objection.

(iv) PUBLICITY AND REPRESENTATIONS

No letters of representation have been received. The applicant has submitted a design statement received 12th March 2008. The points raised are detailed below:

The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.

The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.

The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.

It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform. Given the elevated site topography and position of the proposed dwellinghouse and associated access track, it is considered that there is an unacceptable landscape (environmental) impact, while the proposal does not relate to the surrounding built form. As such the proposal is contrary to the adopted local plan policy.

The proposal is contrary to Policy POL HO 10 of the adopted Cowal Local Plan 1993.

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside'.

In terms of Structure Plan Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the approved Structure Plan and emerging Local Plan.

The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Local Plan.

B. Location, Nature and Design of Proposed Development

This application is for the erection of a large single one and a half storey dwelling house. The building will boast two dormer window features and incorporate the use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature. This results in a dwellinghouse which boasts elements of meaningful design. However, owing to excessive size, massing and scale of the proposed dwellinghouse it is considered that the overall design of the proposal is not acceptable.

The topography of the site is steep, undulating ground which rises from the B886 to the A886. The proposal will require a significant amount of earth works and the dwellinghouse will be positioned in excess of 7 metres higher than the B886 road in an elevated position. The steepness of the site also dictates that the path of the proposed vehicular access and this combined with the excessive bulk and massing of the proposed dwellinghouse, at its elevated

position, results in a development that has an unacceptable wider landscape impact within the Kyles of Bute National Scenic Area.

Furthermore, while there is not considered to be any privacy or overlooking concerns associated with this proposal it is considered that the topography of the site dictates that the proposed dwellinghouse will lack meaningful garden ground and external amenity space.

The proposal is therefore considered to be contrary to policy LP ENV 19 and Appendix A of the Post Inquiry Modified Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Natural Environment

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

As raised in the previous section of this report the impact of this large, inappropriately designed dwellinghouse, combined with an excessive access layout and located in an elevated position, results in a development that has an unacceptable landscapes impact within an area which has been nationally designated as a sensitive landscape.

The scale and position of this dwellinghouse reduces the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabraich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage have raised an objection to this application on adverse landscape impact grounds on its own merits as well as in combination with the proposed dwellinghouse located to the south of this site (08/00611/DET), see associated report elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and, given the aforementioned, it is considered that this proposal will have a significant adverse wider landscape impact.

The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan, Policy POL RUR 1 of the Cowal Local Plan and Policy LP ENV 9 of the Post Inquiry Modified Local Plan.

D. Landscape Character

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep Ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the B866 Colintraive back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Local Plan.

F. Infrastructure

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

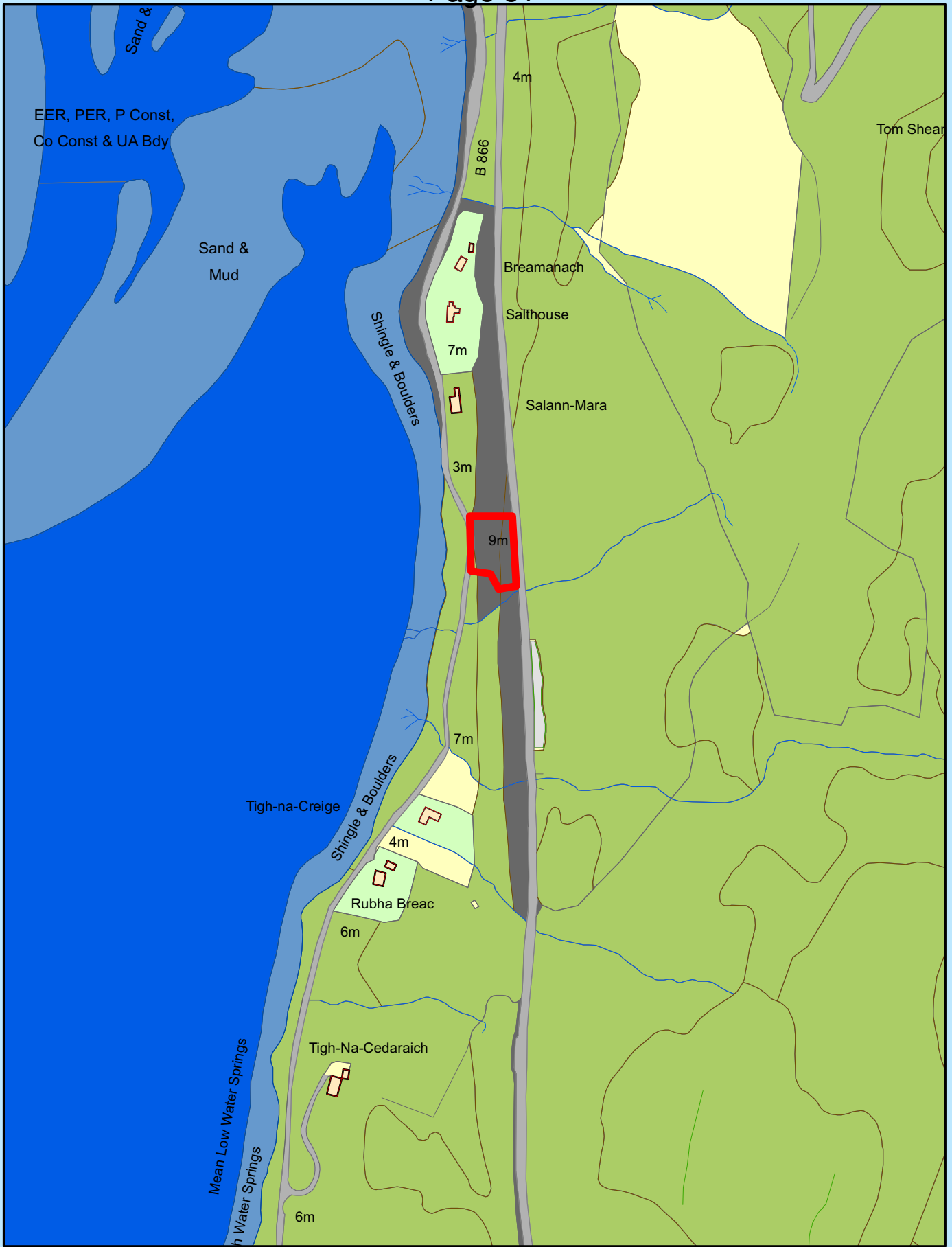
The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Local Plan & Policy POL PU 3 of the Cowal Local Plan.

G. Other Scottish Executive Advice

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

CONCLUSION

The impact of this proposal, of inappropriate design and siting, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.



**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00607/DET**

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

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

Ward Number - 6 Cowal
Date of Validity - 12th March 2008
Committee Date - 2nd December 2008

Reference Number: 08/00611/DET
Applicants Name: John McNaughton
Application Type: Detailed
Application Description: Erection of dwellinghouse, formation of vehicular access and installation of septic tank.
Location: Site 2, Land 250 metres South of Salthouse, Colintraive, Argyll.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of vehicular access
- Installation of septic tank

(ii) Other specified operations

- Connection to public water main.

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be refused** for the reason set out overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

Outline Planning Permission was granted in 2004 on this site for the erection of a dwellinghouse. This development proposal was considered to be consistent with Policy STRAT DC 4 of the Structure Plan and policies POL RUR 1 & POL HO 10 of the adopted Cowal Local Plan 1993. The principle of residential development on this site is therefore consistent with the adopted Cowal Local Plan 1993.

The site is identified within a 'Rural Opportunity Area' (ROA) in the Post Inquiry Modified Argyll and Bute Local Plan. The Directorate's report on this emerging local plan recommended that ROA designations within National Scenic Areas be deleted and replaced by 'Sensitive Countryside' designation. The Council's response is to treat such ROA's as Sensitive Countryside until a landscape capacity study of each ROA has been undertaken and agreed by Council.

Structure Plan Policy STRAT DC 5 states that, within areas of 'Sensitive Countryside' encouragement shall be given to small scale infill, rounding off, redevelopment proposals and/or change of use of buildings. In special cases development in the open countryside may be supported if it accords with an Area Capacity Evaluation (ACE).

However, given that the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is contrary to the emerging Local Plan and established settlement pattern and will have an adverse landscape and

visual impact of the area. The proposal is therefore contrary to Policy STRAT DC5 of the Structure Plan along with policy LP HOU 1 of the Post Inquiry Modified Local Plan.

While this development is consistent with the adopted Local Plan, this Plan is now out of date and the proposal is contrary to the Structure Plan and the emerging Local Plan which is at an advanced stage and represents the most recent policy interpretation of the Council. This is a significant material consideration.

(ii) Representations:

No letters of representation have been received.

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

N/A

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

N/A

(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.

(viii) Has a sustainability Checklist Been Submitted:

No.

Angus J Gilmour
Head of Planning
26th November 2008

Author: John Irving
Reviewing Officer: David Eaglesham

Date: 25th November 2008
Date: 25th November 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: 08/00611/DET

1. As the proposed development does not meet the criteria of infill, rounding off, redevelopment or change of use of a building and no special circumstances claim has been made, the proposal is considered to be contrary to Policy STRAT DC 5 '*Development in Sensitive Countryside*' of the Argyll & Bute Structure Plan 2002 and Policy LP HOU 1 '*General Housing Development*' of the Post Inquiry Modified Argyll & Bute Local Plan (November 2008). Furthermore, the proposal is also considered to be contrary to the principles set out in Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005).
2. Approval of this application is considered premature until such time as the Council has undertaken a landscape capacity study for the Rural Opportunity Area that this site is located within, as required by the Post Inquiry Modified Argyll & Bute Modified Local Plan (November 2008).

INFORMATIVE RELEVANT TO APPLICATION 08/00611/DET

- i. The applicant is advised to contact the department upon completion of the landscape capacity study of this Rural Opportunity Area, once its findings have been considered and agreed by the Council. Only once this has been undertaken will the department be able to advise whether, in principle, residential development on this site is consistent with Development Plan policy.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

Policy STRAT DC 4 '*Development in Rural Opportunity Areas*' encourages, within Rural Opportunity Areas, small-scale developments on suitable sites that, in terms of siting and design, will visually integrate with the landscape and settlement pattern.

Policy STRAT DC 5 '*Development in Sensitive Countryside*' encourages small scale development to infill and rounding off sites, redevelopment and change of use of existing building.

Policy STRAT DC 8 '*Landscape & Development Control*' seeks to resist development with NSA's which has an adverse wider landscape or coastscape impact.

Cowal Local Plan 1993

Policy POL RUR 1 '*Landscape Quality*' seeks to resist prominent or sporadic development that would have an adverse environmental impact upon the *Kyles of Bute* National Scenic Area and requires development proposals to be assessed against the following criteria: Environmental Impact; Locational/Operational Need, Economic Benefit; and Infrastructure and Servicing Implications.

Policy POL RUR 13 '*Development in the Countryside*' seeks to support development in the countryside that are sensitive to and integrated with their surroundings.

Policy POL HO 10 '*Housing Development*' in the Countryside' seeks to encourage single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

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Post Inquiry Modified Argyll and Bute Local Plan (November 2008)

Policy LP ENV 9 '*Development Impact on National Scenic Areas (NSA's)*' seeks to refuse development in NSA's unless the integrity of the designation is not compromised and any adverse effects are outweighed by social or economic benefits of national importance.

Policy LP ENV 19 '*Development Setting, Layout & Design*' sets out the requirements in respect of development setting, layout and design.

Policy LP HOU 1 '*General Housing Development*' within Sensitive Countryside zones it is not considered to have general capacity to absorb any scale of new housing development in the countryside.

Policy LP SERV 1 '*Private Sewerage Treatment Plants & Wastewater Systems*' connection to public sewer will be a prerequisite of planning consents for all developments within the settlement unless demonstrated that it is not feasible for a technical or economic reason.

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

Note (i): The applicable elements of the above Policies have not been objected too 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

National Guidance

Scottish Planning Policy 3 'Planning for Housing' (2003) promotes housing development in the countryside that supports the rural economy, local services, embodies the principles of sustainable development and enhance the rural environment. Encouragement of careful attention to siting and the adoption of house designs which reflect the variations in landscape and building character found across Scotland. This document stresses the importance of factors such as appropriate design and layout, development form and landscape impact.

Planning Advice Note 72 'Housing in the Countryside' (2005) sets out key design principles which need to be taken into account when determining planning applications. This includes single house developments and important factors such as location within the landscape, woodland setting, layout, scale, design and materials. The PAN reinforces the need for Planning Authorities to determine planning applications taking account of the aforementioned principles in a clear and concise manner. The PAN also reiterates that design is a material consideration in determining planning applications.

(ii) SITE HISTORY

Outline planning permission 04/01845/OUT granted on 4th November 2004 for the erection of a dwellinghouse. Now lapsed.

There is an associated planning application 08/00607/DET elsewhere on this agenda for the erection of a dwellinghouse on land to the immediate north of this site.

(iii) CONSULTATIONS

SEPA (letters dated 16th April and 17th June 2008): No objection subject to condition.

Scottish Natural Heritage (letter dated 22nd May 2008): No objection subject to conditions.

Area Roads Manager (memo dated 17th April 2008): No objection subject to conditions.

Scottish Water (letter dated 8th April 2008): No objection.

(iv) PUBLICITY AND REPRESENTATIONS

No letters of representation have been received.

The applicant has submitted a design statement received 12th March 2008. The points raised are detailed below:

The house is to be no more than one and a half storey with dormer windows to accommodate bedrooms in the roof space.

The aesthetics to the West highland in essence, making use of traditional materials such as natural stone, white render and stained timber in the walling and natural slate and lead on the roofs.

The principal living accommodation to have views across the loch to the west, but also to have south facing glazing to take maximum advantage of sunlight and solar gain.

It was recognised at an early stage that due to the site contours there would always be a fair amount of underbuilding to the elevations facing the B886 and that the impact of this would have to be minimised by terracing or garden retaining walls in natural stone.

The applicant has submitted a further letter dated 25th November 2008 which is summarised below:

The outline planning permission was granted on 4th November 2004, which expired 3rd November 2007. We entered into pre-application discussions with the department on 24th August 2007 including a meeting on 9th October 2007. Further amended plans were submitted 14th November 2007 to address the concerns of the department. Further issues raised by the department.

Design of dwellings modified to take account of the departments comments and planning application submitted on 27th February 2008.

In view of the detailed consultation and submissions that started three months prior to the expiry of the outline planning permission and that have been on-going until the present time, we are of the opinion that this effectively was all part of the purification of the conditions attached to the outline consent and it is therefore totally unacceptable, if not incompetent, to be informed on 18th November 2008, that the outline consent has lapsed and will therefore have no bearing on the determination of the application.

Our client would have expected that in following recommended procedures in carrying out pre application consultation that he would have been alerted to the date of lapse of the outline consent.

Comment:

- Pre application discussions with this department did not result in the submitted planning application(s) taking due consideration of the department's concerns.
- The submission of pre-application information and plans cannot purify conditions attached to the now expired outline planning permission. This can only be done through the submission of a 'reserved matters' planning application, prior to the expiry of the associated outline consent. In any event, the applicant submitted two 'detailed' planning applications.
- It is the applicant's responsibility to ensure that the outline planning permission does not expire and is renewed on time.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00611/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The adopted Cowal Local Plan encourages single or small-scale residential development in the countryside providing there are no infrastructure, servicing or environmental constraints. Particular attention will be paid to infill, rounding off and redevelopment opportunities related to existing development and landform.

The proposal is consistent with Policy POL HO 10 of the adopted Cowal Local Plan 1993.

The site was designated as a Rural Opportunity Area (ROA) in the Argyll & Bute Modified Finalised Draft Local Plan 2006. As members will be aware, the Reporters' recommendations on the emerging local plan included a specific recommendation that ROA designations located within National Scenic Areas be deleted and replaced by 'Sensitive Countryside'. The Council has resolved to treat such ROA designations as 'Sensitive Countryside' until a landscape capacity study has been undertaken of the ROA and its findings agreed by Council. Given the aforementioned, in terms of determining this planning application the site must be assessed as being located within 'Sensitive Countryside' designation.

In terms of Structure Plan, Policy STRAT DC5, there is a presumption in favour of 'small scale' development provided it is restricted to infill, rounding off, redevelopment or change of use of buildings. The proposed development does not meet the definition of infill, rounding off or redevelopment as defined in the Post Inquiry Modified Argyll and Bute Local Plan. Therefore, there is an initial presumption against development, unless, a 'Special Case' can be substantiated, together with an Area Capacity Evaluation (ACE). No such special case or circumstance has been submitted with this application.

The erection of a dwellinghouse in this open countryside location, within 'Sensitive Countryside' cannot be justified as infill or rounding off development in close proximity to existing buildings or indeed a change of use or redevelopment opportunity. In policy terms, the proposal is contrary to the housing policy for 'Sensitive Countryside' contained within the adopted Structure Plan and emerging Local Plan.

The proposal is therefore considered to be contrary to Policy STRAT DC 5 of the adopted Structure Plan and Policy LP HOU 1 and Appendix E of the Post Inquiry Modified Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

This application is for the erection of a single one and a half storey dwelling house. The building has an extensive front elevation at approximately 20 metres wide. However, this elevation is well balanced and proportioned as a result of the three dormer window features. The use of sympathetic finishing materials such as a natural slate roof along with stone cladding, timber windows and a chimney feature results in a dwellinghouse which boasts many elements of meaningful design. In design terms and with respect of the design of surrounding nearby properties, it is considered that this proposal is acceptable.

The topography of this site will require a significant amount of earth removal and cutting in but this will result in a dwellinghouse which respects the surrounding landform and, crucially, limits its wider landscape impact. The proposal presents no amenity, overlooking or privacy issues and subject to conditions relating to materials samples, landscaping, tree planting and surface treatments, it is considered that this proposal is acceptable.

The proposal is therefore considered to be consistent with Policy LP ENV 19 and Appendix A of the Post Inquiry Modified Argyll and Bute Local Plan along with the Sustainable Design Guidance 1 'Small Scale Housing Development'.

C. Natural Environment

This site is located in the Kyles of Bute National Scenic Area (NSA) on the east bank of Loch Riddon, south of Salthouse, on the steep section of open rough grass and wooded land sandwiched between the B886 and A886.

This area is identified as the 'Craggy Upland' landscape character (see section below). The NSA designation identifies this area as highly sensitive to further development, in particular the shoreline at Salthouse to the north and Tigh-na-Creige to the south.

The scale and position of this dwellinghouse limits the ability of the existing woodland along the lower slopes of the site to screen and absorb the development. The site can also be clearly seen from the opposite banks of Loch Riddon which is also located within the NSA and which boasts a number of key vantage points where the site can be seen from. This includes, importantly, the panoramic view point on the Tighnabruaich A8003 road but also other vantage point at Ormidale Lodge and along both the A8003 and A886 roads.

Scottish Natural Heritage has raised no objection to this application on its own merits but considers the cumulative effect of this dwellinghouse, in addition to the proposed dwellinghouse to the north of this site to present an adverse wider landscape impact. See associated report (08/00607/DET), elsewhere on this committee agenda.

It is the Planning Authority's duty to protect sensitive landscapes from inappropriate and unsympathetic development and given the aforementioned it is considered that this proposal will have a significant adverse wider landscape impact.

The proposal is therefore considered to be contrary to Policy STRAT DC 8 of the adopted Structure Plan and Policy LP ENV 9 of the Post Inquiry Modified Argyll and Bute Local Plan.

D. Landscape Character

The landscape character of the Kyles of Bute comprises a mix of 'Craggy Upland', 'Steep ridgeland and Mountains', and 'Open Ridgeland' as outlined in the Argyll and Bute Firth of Clyde Landscape Character Assessment (1996).

The area combines deeply enclosed passages of sea, scattered with islands, diverse mixed woodland on lower slopes, opening on higher ground to reveal a mix of smooth steep ridgeland and rocky roughly undulating hill country. These elements combine to create a great sense of visual drama of contrasting scale and form.

The description of the Kyles of Bute NSA notes the striking views, which are offered over three arms of water from the mainland hills and high degree of enclosure, which confer an appearance of peaceful calm on these narrow waters, which underlies their physical beauty.

E. Road Network, Parking and Associated Transport Matters.

The site will be accessed from the B866 Colintraive back road. Parking for two vehicles and a turning area will be provided on site. The Area Roads Manager has raised no objection to this application subject to conditions concerning the formation of a passing place at the site entrance, sightlines, gradients and surface water drainage.

The proposal is therefore considered to be consistent with Policy LP TRAN 4 of the Post Inquiry Modified Argyll and Bute Local Plan.

F. Infrastructure

It is proposed to provide a private foul drainage system, with treatment and partial soakaway, discharging to the adjacent watercourse. SEPA has raised no objection to this proposal.

It is proposed to connect to the public water main and Scottish Water has advised that while there are potential water pressure issues, they have no objection in this regard.

The proposal is therefore considered to be consistent with Policy LP SERV 1 & 4 of the Post Inquiry Modified Argyll and Bute Local Plan & Policy POL PU 3 of the Cowal Local Plan.

G. Other Scottish Executive Advice

This proposal is considered to be contrary to the provisions of Scottish Planning Policy 3 '*Planning for Housing*' (2003) and Planning Advice Note 72 '*Housing in the Countryside*' (2005), as detailed in Section (i) of Appendix A above.

CONCLUSION

The impact of this proposal, located within a nationally designated sensitive landscape is unacceptable and contrary to development plan policy. Given all of the aforementioned, this application is recommended for refusal.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00611/DET**

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

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

Ward Number - 6 Cowal
Date of Validity - 18th April 2008
Committee Date - 2nd December 2008

Reference Number: 08/00751/DET
Applicants Name: RCW Developments, R. Rwakishasha & D Cunningham.
Application Type: Detailed
Application Description: Formation of access road to serve six dwellings incorporating the realignment of existing access road and the formation of a retaining wall (revised layout relative to planning permission 03/01378/DET) (partially retrospective).
Location: Land North West of Haughton House, Eccles Road, Dunoon.

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of access road incorporating the realignment of existing access road and the formation of a retaining wall.

(ii) Other specified operations.

- N/A

(B) RECOMMENDATION

Having due regard to the Development Plan and all other material considerations, it is recommended that Planning Permission **be granted** subject to the conditions and reasons, along with the informative detailed overleaf.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The site is located within the settlement zone of Kirn, a 'small town', as defined by the Development Plan.

Policy STRAT DC 1 of the adopted Structure Plan seeks to resist development within the settlement zone which are considered to be incompatible land uses. This application concerns a vehicular access which is to serve six dwellinghouses within the settlement zone, which is a compatible land use/development.

Furthermore, the adopted Structure Plan, Cowal Local Plan and Post Inquiry Modified Argyll and Bute Local Plan, include specific policies regarding vehicular access provisions and minimum standards. Given the assessment contained within this report, this application is considered consistent with the provisions of policies PROP TRANS 1, POL TR 4, LP ENV 1, LP TRAN 3 and LP TRAN 4.

(ii) Representations:

The department has received a total of 11 letters/emails from 6 individual properties.

In summary, this includes 1 representation in support of this application, 2 representations raising objections and 3 representations raising no objection, in principle, to the proposal.

- (iii) **Consideration of the Need for Non-Statutory or PAN 41 Hearing:**
No,
- (iv) **Reasoned Justification for a Departure from the Provisions of the Development Plan.**
No.
- (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.**
N/A
- (viii) **Has a sustainability Checklist Been Submitted:**
No.

**Angus J Gilmour
Head of Planning
28 November 2008**

Author: John Irving, Tel: 01369708621
Reviewing Officer: David Eaglesham, Tel: 01369708608

Date: 26th November 2008
Date: 26th November 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 08/00751/DET

1. Prior to commencement of development, full details of the proposed change to carriageway surface or delineation which clearly differentiates between the adopted road and private access within the development site shall be submitted for the written approval of the Planning Authority in consultation with the Area Roads Manager.

Reason: In the interest of road safety.

2. The access road shall be constructed as per the Council's Development Guidelines. Vehicle accesses to the six dwellinghouses shall be constructed as per Fig 10.16 and at a minimum width of 2.75 metres. Sightlines for these driveways shall be 20 metres from a 2 metre setback at the centre point of the access.

Reason: In the interest of road safety.

3. The required retaining wall shall be constructed on rock for its entire length, unless the prior written consent for variation is obtained in writing from the Planning Authority in consultation with the Area Roads Manager.

Reason: In the interest of ensuring the wall is sufficient to retain the increased height of road.

4. Access to affected properties shall be maintained or a suitable alternative measure put in place during all development works, unless consent for variation is obtained in writing from the Planning Authority in consultation with the Area Roads Manager.

Reason: In the interest of road safety.

INFORMATIVES:

1. Road Opening Permit

The Area Roads Manager has advised that the works will require a Road Opening Permit (Section 56). The applicant is advised to contact the Area Roads Manager's representative (Mr. Paul Farrell on 01369 708613) directly upon this matter.

It will also be necessary to submit a Risk Assessment, Method Statement and Traffic Management Proposals. These will require to be reviewed before work commences on site.

2. Surface Water

The Area Roads Manager has advised that a system of surface water drainage is required to prevent water running onto the road. Failure to address this matter would be contrary to Section 99 of the Roads (Scotland) Act 1984, which states that:

"(i) The owner and occupier of any land, whether or not that land is such as constitutes a structure over or across a road, shall prevent any flow of water, or of filth, dirt or offensive matter from, or any percolation of water through, the land onto the road."

A drainage system including positive surface water drainage measures should be agreed with the Area Roads Manager. The applicant is advised to contact the Area Roads Manager's representative (Mr. Paul Farrell on 01369 708613) directly in this regard.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00751/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll & Bute Structure Plan 2002

Policy STRAT DC 1 *'Development within the Settlement'* development which do not accord with this policy are essentially incompatible with the close configuration of land uses found in settlements.

Policy PROP TRANS 1 – *'Development Control, Transport & Access'* requires access and relevant sections of accesses serving new development to be 'roads' open to the public and to be of appropriate standard for roads construction consent and adoption; unless private way conditions and standards are more appropriate, having regard to the nature and scale and of the and its settlement or countryside location.

Post Inquiry Modified Argyll and Bute Local Plan (November 2008)

Policy LP ENV 1 *'Development Impact on the General Environment'* requires developments to be assessed on the natural, human and built environment. This includes the relationship to the road and public networks, means of access, particularly access for emergency services and parking provision etc.

Policy LP ENV 19 *'Development Setting, Layout & Design'* requires developers to execute the highest standards of layout and design with regards to development setting, layout and density and design. Impact upon existing levels of amenity afforded to surrounding residential properties shall not be unduly compromised by any new development.

Policy LP TRAN 3 *'Special Needs Access Provision'* developments proposals will be expected to make appropriate provision safe separate pedestrian and vehicular traffic... All development shall make suitable provision for service vehicles.

Policy TRAN 4 *'New & Existing, Pubic Roads & Private Access Regimes'* requires developments to be served by a public road (over which the public have right of access) where the number of dwellinghouses exceeds 5. All new public roads must be constructed to a standard specified in the Council's Roads Development Guidance.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

Planning Permission 03/00751/DET granted on 6th September 2004 for the erection of 7 detached dwellinghouses and formation of vehicular access.

Enforcement investigation 06/00079/ENFOCC commenced on 24th April 2006 following concerns that the vehicular access road was not in accordance with planning permission 03/00751/DET. This matter was previously reported to the Area Committee on 3rd October 2006. There is an associated enforcement report elsewhere on this agenda for members' consideration.

Retrospective planning application 06/02161/DET submitted on 13th October 2006 for alterations to the site access was withdrawn on 24th April 2008.

(iii) CONSULTATIONS

Area Roads Manager (memos dated 17th June and 25th November 2008): No objection subject to conditions.

'This development is accessed from UC24 Eccles Road within an urban 30mph speed restriction. Most of the houses have been completed and the access road is required to be constructed as per previously submitted Roads Construction Consent. Only a short section of the new road including the turning area will be adopted, the remainder will remain a private access. The proposed access and facilities will adequately serve the 6 new dwellings and the existing dwelling (Oakingham); providing an access road and turning area which will be adopted.

The road to be constructed as per the Council's Development Guidelines. Accommodation works will be required to the neighbouring properties, this may result in vertical extensions to boundary walls; realignment of internal driveways and vehicular accesses. The revised access to Oakingham is acceptable. These works will need to be agreed with adjacent land owners/occupiers and the local roads authority prior to work commencing on site. (AGREED) Access to existing properties outwith the development must be maintained or suitable alternative measures in place. (AGREED)

A 2m service strip/ footway to be provided and a turning area to be sited at the end of the adoptable section of the carriageway.

A change of road surface or delineation line is required at this location to differentiate between adopted road and private access.

Suitable drainage treatment is required to the eastern side of the road to ensure that surface water drainage effectively drains the site and does not run down the road.

A Road Opening Permit will be required for these works and must be applied for with Risk Assessments, Method Statements and Traffic Management Proposals. These will require to be reviewed before work commences on site.

A Road Construction Consent CC/06/07 and Road Bond are in place for this scheme.

A street name plate is to be provided for the development. Style and location to be agreed with the Area Manager.'

This proposal is the result of meetings and discussions

(iv) PUBLICITY AND REPRESENTATIONS

Under Article 9 neighbour notification procedures a total of 11 letters/emails have been received from six individual properties.

Cowal Leisure Ltd, c/o Corrigan Black Solicitors (letter dated 29th April 2008), 20 John Street, Dunoon, PA23 8BN. Peter Wilkinson (letter dated 7th July 2008), Hafton House, Hunters Quay, Dunoon, PA23 8HP. Mr T Dowds (letter dated 12th August 2008), 45 Eccles Road, Hunters Quay, Dunoon, PA23 8LB. Mr J. M Hundley (letters dated 24th April 2008, 8th & 27th September 2008 and 15th November 2008. Tony Monnickendam (copy of email dated 29th July 2008), Oakingham, 18 Eccles Road, Hunters Quay, PA23 8LB. Agents/Engineers on behalf of Renfield House (letters dated 17th July 2008, 29th September 2008 and e-mail dated 24th November 2008), Renfield House, Eccles Road, Dunoon.

Please note that the properties of Renfield House, Oakingham and Haughton House are directly affected by this proposal and the department has kept these parties updated as this application has progressed. These parties now have no objection, in principle, to this proposal.

The points raised are summarised below:

- i. Cowal Leisure Ltd have a right of access granted and enshrined in a Deed of Servitude for pedestrian and vehicular traffic over land owned by Peter Wilkinson, unless a formal agreement can be reached then the existing servitude right of way may interfere with the proposed access road.

Comment: This is a legal/civil matter to be resolved between the developer and affected landowner. This matter does not fall under the jurisdiction of the Planning Authority.

- ii. ATK continue to put my name on the application (Peter Wilkinson) and I wish to make it clear that I have no connection with this development.

Comment: The applicant's agent wrote to the department on 18th September 2008 to request the removal of his name from this application.

- iii. I (Peter Wilkinson) own the piece of ground over which it is proposed to undertake this development. No one concerned with this development has approached me regarding the purchase of this ground.

Comment: Letter received from applicants agent dated 18th September 2008 that Peter Wilkinson has been issued an Article 8 notification, as part landowner of the defined application site.

- iv. I, together with other residents, fully support this application, we now face the possibility that work on the road may not start before the coming winter, should there be any further delay. The thought that some residents face a fourth winter without a proper road surface, street lighting, fills me with dismay and concern in equal measure.

Comment: The current unauthorised and sub-standard access currently serves six detached dwellinghouses.

- v. I have seen the latest drawings (Houghton House) and can confirm that I am satisfied that both it and the assurances given in the accompanying letter guarantee the integrity of my property. I have no further comment or objections to this proposal.

Comment: See assessment below.

- vi. I confirm that we do not object (Oakingham) to the proposals as detailed on the plan, always provided that our access will not adversely be affected and maintained during progress of the works.

Comment: See assessment below.

- vii. We have some queries on the drawing (Acting agents for Renfield House), as to the full extent of the new retaining wall, and the material that the wall is constructed on. We would confirm that as long as retaining wall is constructed on rock (ATK Partnership have confirmed that rock is at shallow depth) and that the length of wall is sufficient to retain increased height of road, we have no further comments to make.

Comment: See assessment below.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00751/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the settlement zone of Kirn, a 'small town', as defined by the Development Plan.

Policy STRAT DC 1 of the adopted Structure Plan seeks to resist developments within the settlement zone which are considered to be incompatible land uses. This application relates to a previous planning permission and concerns the formation of a turning area and level changes to the existing vehicular access, which serve six dwellinghouses within the settlement zone; this is considered to compatible land use/development proposal.

Furthermore, the adopted Structure Plan, Cowal Local Plan and Post Inquiry Modified Argyll and Bute Local Plan, include specific policies regarding vehicular access provision and minimum standards. This proposal will ensure the gradient, layout, turning provision, surfacing and footpath provision for the current access is constructed to an acceptable standard consistent with development plan policy.

The proposal is considered to be consistent with Policies STRAT DC 1 & PROP TRANS 1 of the approved Structure Plan, POL TR 4 of the Cowal Local Plan and policies LP ENV 1, LP TRAN 3 and LP TRAN 4 of the Post Inquiry Modified Argyll and Bute Local Plan.

B. Location, Nature and Design of Proposed Development

This application essentially seeks to improve and regularise the existing, unauthorised access arrangement, which is contrary to the road layout approved under the original planning permission 03/01378/DET. Owing to changes in ground levels and the construction of the six dwellinghouses in situ, it is not possible to construct the access in accordance with the original planning permission. Furthermore, the existing access arrangement is not considered to be acceptable, essentially owing to its excessive gradient and unacceptable layout.

This application seeks to raise the lower section of the access road to improve its overall gradient. This will require improvement works outwith the originally defined application site of planning permission 03/01378/DET. It is proposed to increase the height of the lower section of the road by approximately 1 metre. This will encroach upon the access arrangement for both Haughton House and Oakingham, which are neighbouring properties to the site. Furthermore, the increase in road level at the end of Eccles Road will affect the outlook from bedroom windows located on the rear elevation of Renfield House, which are currently below the existing road level.

Impact upon Haughton House

The owner of this property has raised no objection to this proposal. The development will not compromise existing levels of amenity afforded to this property providing access is maintained during development works.

Impact upon Oakingham

The owner of this property has raised no objection to this proposal. The development will not compromise existing levels of amenity afforded to this property providing access is maintained during development works.

Impact upon Renfield House

The rear elevation of Renfield House is close to Eccles Road at a nearest distance of less than one metre. The ground floor of Renfield House sits below the existing level of Eccles

Road and bedroom windows to the rear of Renfield House enjoy relatively limited outlook, given the close proximity of Eccles Road and existing retaining wall. The building up of the road level at the northern end of Eccles Road to accommodate this development will increase the level of the road adjacent to the rear elevation of Renfield House, and could diminish existing levels of outlook and amenity afforded to its residents.

The agent acting for the Renfield House has raised no objection to this proposal and it is considered that while the level of the road will increase, the existing level of the footway, which is between the road and Renfield House will remain as existing along with the height of the existing retaining wall. This should ensure existing levels of amenity and outlook are not compromised.

The proposal is considered to be consistent with the provisions of policy LP ENV 19 of the Post Inquiry Modified Argyll and Bute Local Plan..

C. Road Network, Parking and Associated Transport Matters

The Area Roads Manager has raised no objection to this proposal subject to compliance with a number of conditions to be attached to the grant of planning permission. The undertaking of these works will ensure a section of this access road which serves six dwellings is constructed to an adoptable standard and this will greatly enhance access provision to these properties.

Give the road level changes required to the northern end of Eccles Road the existing access arrangement to both Haughton House and Oakingham will be affected.

Impact upon Haughton House

Haughton House site upon ground above Eccles Road and currently boasts a private driveway onto the public road. At this junction it is proposed to increase the level of Eccles Road by one metre and this will require level changes to Haughton Houses driveway and alteration to the stone boundary wall. The owner of this property has raised no objections to this proposal which will ultimately improve the gradient of this driveway and improve accessibility to Haughton House.

Impact upon Oakingham

Oakingham is served from the existing access to this site and it is proposed to maintain this access arrangement but to seek enhancement through the use of kerb stone and surface dressing. The owner of this property has raised no objection to this development subject to access being maintained during the progress of works.

The proposal is considered to be consistent with PROP TRANS 1 of the adopted Structure Plan, POL TR 4 of the Cowal Local Plan and policies LP ENV 1, LP TRAN 3 and LP TRAN 4 of the Post Inquiry Modified Argyll and Bute Local Plan..

D. Infrastructure

Electricity, gas and water mains are buried under Eccles Road and the existing access which serves the six dwellinghouses. This proposal does not affect these services.

CONCLUSION

The proposals will ensure the existing sub standard access is constructed to a standard that is acceptable to the Roads Authority and consistent with development plan policy. While the proposal does affect access and existing levels of amenity to neighbouring dwellinghouses, these properties have been fully consulted during the processing of this application and have raised no objection to the same. Indeed, it is considered that the properties of Haughton House and Oakingham will benefit through improvement to their existing access arrangements.

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**COMMITTEE LOCATION PLAN
RELEVANT TO PLANNING
APPLICATION 08/00751/DET**

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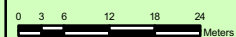
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**AERIAL VIEW
RELEVANT TO PLANNING
APPLICATION 08/00751/DET**

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

CASENO	APPLICANT NAME/PROPOSAL AND SITE ADDRESS	RECEIVED DATE	VETTED DATE	DECISION	DECISION
04/02462/ERD/A	A Campbell Bellfield 53 Queen Street Dunoon Argyll PA23 8AX Amendment to Warrant, covering the repositioning of kitchen extension	17/09/2008	13/10/2008	15/10/2008	WARAPP
05/01177/ERECDW/B	Fyne Homes Land At St Brides Road Blain Terrace Rothesay Isle Of Bute Amendment to cover; fencing, retaining walls. (type A) drainage and barrier to stairs.	25/08/2008	08/09/2008	15/10/2008	WARAPP
06/00217/ERECDW/A	Mr And Mrs Colin Cameron Land To The North Of 1 Clachan Croft Strachur Argyll And Bute Amendment to warrant to cover change in ground floor materials, deletion of dormers, and minor internal changes.	26/05/2008	01/07/2008	11/11/2008	WARAPP
06/00348/ERECFL/A	Stewart MacNee (Dunoon) Ltd Land North West Of Laudervale Bullwood Road Dunoon Argyll And Bute Amendment to warrant to cover; internal partition alterations to flat at PLOT 12	17/06/2008	16/07/2008	24/10/2008	WARAPP
06/01342/ERECDW/A	Fyne Homes 1 - 11 Mansefield Place Rothesay Isle Of Bute Argyll And Bute Amendment to Warrant; to cover minor alterations and change of heating system.	11/08/2008	25/08/2008	17/10/2008	WARAPP
06/01527/EXTEND/B	Robert Gear 8 Whistlefield Lodges Loch Eck Argyll And Bute PA23 8SG Amendment to Warrant, to delete additional porch area.	08/10/2008	17/10/2008	25/10/2008	WARAPP
06/01645/ALTER/A	William And Helen Pearson 3 Albert Place Sandbank Argyll And Bute PA23 8QF Alteration to dwelling, to form additional bedroom accomodation within attic - layout change to ensuite and deletion of velux window	01/09/2008		06/11/2008	WARAPP

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

07/00585/ERECDW/A	Craig Johnston	26/09/2008	17/10/2008	21/10/2008	WARAPP
	North Plot, Land South East Of Kames Farm Kames Tighnabraich Argyll And Bute PA21 2AB Amendment to Warrant to cover; Changes to disabled access, decking area to rear, all boundary walls and access steps to rear and gable areas				
07/00591/DISAB1/A	Mr And Mrs R Fierstone	15/09/2008	30/09/2008	21/10/2008	WARAPP
	Hakadaddi Shore Road Innellan Argyll And Bute PA23 7SP Amendment to warrant, to cover the relocation of rooflights.				
07/00970/ALTER/A	Mrs M Stewart	23/10/2008	24/10/2008	24/10/2008	WARAPP
	Flat 1/1 Beresford House 5 Glebe Avenue Dunoon Argyll And Bute PA23 8DA Amendment to Warrant, to employ glazing opanels within balcony area				
07/01016/ERECDW	Stewart McNee (Dunoon) Ltd	02/08/2007	06/09/2007	31/10/2008	WARAPP
	Land North West Of Laudervale Bullwood Road Dunoon Argyll And Bute Erection of 6 detached houses at plots 1 to 6				
07/01550/ERECDW/A	Stewart McNee (Dunoon) Ltd	07/10/2008	16/10/2008	21/10/2008	WARAPP
	Plot South Of Ardenlee Lodge Bullwood Road Dunoon Argyll And Bute Amendment to warrant, to cover; addition of an ensue for bedroom 3 on first floor				
08/00040/ALTER/A	NHS Highland	21/10/2008		31/10/2008	WARAPP
	Dunoon And District General Hospital 360 Argyll Street Dunoon Argyll And Bute PA23 7RL Amendment to Warrant, steps omitted and the ramp moved from face of the building.				
08/00188/ALTER	Mr And Mrs Roger Ward	11/02/2008	26/02/2008	07/11/2008	WARAPP
	Tigh Na Creige Colintraive Argyll And Bute PA22 3AH Conversion of garage to form bedroom, formation of timber deck and hot tub				
08/00333/ALTER	Richmack Ltd	27/03/2008	18/04/2008	31/10/2008	WARAPP
	10 Castle Street Port Bannatyne Isle Of Bute Argyll And Bute Alterations to form new kitchen and bathroom in each flat.				

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

08/00491/ERECDW	Mr And Mrs D Spiers Land North Of Seaview Rothesay Isle Of Bute Argyll And Bute Erection of detached house with associated septic tank, and store	07/05/2008		21/10/2008	WARAPP
08/00581/ERECDW	James Johnstone Sharp Woodlands North Campbell Road Innellan Dunoon Argyll PA23 7SB Erection of a dwelling	03/06/2008	06/06/2008	16/10/2008	WARAPP
08/00649/EXTEND/A	Mr And Mrs R Leitch Ashgrove Kilchattan Bay Isle Of Bute Argyll And Bute PA20 9NW Amendment to Warrant, to cover alteration to drainage layout	10/09/2008	02/10/2008	21/10/2008	WARAPP
08/00683/ALTER	Mr M Moffat West Pier And Mid Pier Rothesay Isle Of Bute Argyll And Bute PA20 9AQ Erection of a passenger waiting area between existing terminal and passenger access gangway.	30/06/2008	07/08/2008	12/11/2008	WARAPP
08/00690/INSTAL	Argyll And Bute Council Rothesay Joint Campus High Street Rothesay Isle Of Bute Argyll And Bute PA20 9JH Installation of 24no. Photo voltaic solar panels	04/07/2008		07/11/2008	WARAPP
08/00702/ERECDW	Haymuir Ltd Plot 4 McKinlays Quay Sandbank Argyll And Bute Erection of dwelling house	09/07/2008	22/07/2008	07/11/2008	WARAPP
08/00739/ALTER	Mr And Mrs Gower Corsach 70 Shore Road Innellan Dunoon Argyll And Bute PA23 7TR Alteration to flats, to form one dwelling.	21/07/2008	21/08/2008	21/10/2008	WARAPP
08/00794/ALTER	Boots Properties D94 182 Argyll Street Dunoon Argyll And Bute PA23 7HA Alterations to shop premises	20/08/2008	17/09/2008	12/11/2008	WARAPP

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WARWIT=Building Warrant Withdrawn COMF=Letter of Comfort issued COMFR=Letter of Comfort refused
EXEMPT=Exempt Building Warrant LOCWIT= Letter of Comfort withdrawn SUPERS=Superceded by new Building

08/00830/CONV	Stephen Boyd Jims Laundrette 19 Alfred Street Dunoon Argyll And Bute PA23 7NY Conversion of former laundrette to single dwelling	29/08/2008	26/09/2008	24/10/2008	WARAPP
08/00861/ALTER	NHS Highland Dunoon And District General Hospital 360 Argyll Street Dunoon Argyll And Bute PA23 7RL Alteration to hospital, to form additional stores at the mortuary area	11/09/2008	13/10/2008	31/10/2008	WARAPP
08/00898/EXTEND	John And Margaret Purdie 8 Clyde Street Dunoon Argyll And Bute PA23 7HT Extension to dwelling, to form bedroom extension with en-suite facility	23/09/2008	08/10/2008	25/10/2008	WARAPP
08/00908/EXTEND	Mrs Ross Pinehurst Toward Dunoon Argyll And Bute PA23 7UB Extension to dwelling, to form a conservatory	15/09/2008		21/10/2008	WARAPP
08/00939/ALTER	David Pratt Coire Ealt Loch Eck Dunoon Argyll And Bute PA23 8SG Alteration to dwelling, to convert integral garage into bedroom and ensuite	01/10/2008	10/10/2008	16/10/2008	WARAPP
08/00942/ALTER	Mr And Mrs J Tanton 45 Sandhaven Sandbank Dunoon Argyll And Bute PA23 8QW Alteration to dwelling to install a wood burning stove	06/10/2008	17/10/2008	07/11/2008	WARAPP
08/00964/ALTER	William Wilson Morven Strathlachlan Cairndow Argyll And Bute PA27 8DB Alterations to relocate kitchen, and insert velux windows	10/10/2008	21/10/2008	29/10/2008	WARAPP
08/00966/CONV	Susanna And Mick Rice Duncreggan House Whites Brae Blairmore Dunoon Argyll And Bute PA23 8TG Conversion of private dwelling to guest house.	13/10/2008		23/10/2008	WARAPP

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08/00968/EXTEND	Mr Kevin Bye 6 Mountclare Gardens Rothesay Isle Of Bute Argyll And Bute PA20 0QQ Alterations and extension to form conservatory to rear	09/10/2008		14/11/2008	WARAPP
08/00985/CONV	David Sutherland Courtyard Home Farm Glendaruel Colintrave Argyll And Bute PA22 3AB Conversion of garage and workshop into dwelling	16/10/2008	27/10/2008	12/11/2008	WARAPP
08/00996/INSTAL	NHS Highland Dunoon And District General Hospital 360 Argyll Street Dunoon Argyll And Bute PA23 7RL Formation of additional car park at the medicine for the elderly building	21/10/2008		31/10/2008	WARAPP
08/01033/DEM	Argyll Community Housing Association Lock Up Garages Dixon Place Kirn Argyll And Bute Demolition of nine lock up garages	03/11/2008	12/11/2008	12/11/2008	WARAPP
08/01034/DEM	Argyll Community Housing Association Lock Up Garages Massan View Sandbank Argyll And Bute Demolition of nine garages	03/11/2008	12/11/2008	12/11/2008	WARAPP
08/01035/DEM	Argyll Community Housing Association Lock Up Garages Broadcroft Lane Rothesay Isle Of Bute Argyll And Bute Demolition of fourteen garages.	03/11/2008	05/11/2008	05/11/2008	WARAPP
08/01036/DEM	Argyll Community Housing Association Lock Up Garages Dunselma Court Strone Argyll And Bute Demolition of sixteen lock up garages.	03/11/2008	05/11/2008	05/11/2008	WARAPP

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

Bute and Cowal

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

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

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

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01916/NMA	ROK Prime Contract Sandbank Business Park Highland Avenue Sandbank Argyll And Bute Erection of industrial unit (class4) Amendment to planning permission 08/01554/DET to incorporate external alterations and additional car parking spaces.	23/10/2008	03/11/2008	PER
08/01889/DET	John Brown (Strone) Ltd Strone Place 5 Hamilton Street Dunoon Argyll And Bute PA23 7RG Rendering of facing brick building	21/10/2008	10/11/2008	PER
08/01877/NMA	Lucy Roper Plot 2 Land West Of The Whins Millhouse Argyll And Bute Erection of dwellinghouse and formation of vehicular access. (amendment to planning permission 07/01354/DET to incorporate alterations to chimney stack, window proportions and design of rear entrance porch and garage door).	20/10/2008	03/11/2008	PER
08/01846/NMA	Fyne Homes Ltd Land At St Brides Road Blain Terrace Rothesay Isle Of Bute Argyll And Bute Erection of 34 dwellinghouses (amendment to permission 05/00669/DET incorporating omission of footpath and recycling area and use of communal areas into private curtilages) (Retrospective).	10/10/2008	03/11/2008	PER
08/01823/DET	Mr Kevin Bye 6 Mountclare Gardens Rothesay Isle Of Bute Argyll And Bute PA20 0QQ Erection of rear conservatory	10/10/2008	13/11/2008	PER
08/01821/DET	Mr And Mrs A Grant 101 Edward Street Dunoon Argyll And Bute PA23 7AR Alterations and extension	10/10/2008	05/11/2008	PER

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

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01797/FELLIC	Mr J M Turnbull Strone Estate Glen Kinglass Argyll And Bute Felling of trees	03/10/2008	06/11/2008	PER
08/01783/DET	Beth Carney Sawmill Cottage Ferry Road Sandbank Dunoon Argyll And Bute PA23 8QH Replacement roof covering	06/10/2008	24/10/2008	PER
08/01754/DET	Alexander H Williams 109 Edward Street Dunoon Argyll And Bute PA23 7AR Retention of vehicular access and car parking	30/09/2008	20/10/2008	PER
08/01744/DET	Mr John Torrance Lizavale Terrace 58K Shore Road Innellan Dunoon Argyll And Bute PA23 7TP Installation of replacement windows	25/09/2008	23/10/2008	PER
08/01741/DET	John And Margaret Purdie 8 Clyde Street Dunoon Argyll And Bute PA23 7HT Erection of rear extension and alterations to timber deck	23/09/2008	27/10/2008	PER
08/01740/DET	John Tanton 45 Sandhaven Sandbank Dunoon Argyll And Bute PA23 8QW Installation of external flue	30/09/2008	20/10/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
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App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01726/DET	Western Ferries Ltd Western Ferries Ltd Marine Parade Hunters Quay Argyll And Bute PA23 8HJ Alterations and extensions to office building and erection of replacement fuel oil tank	24/09/2008	05/11/2008	PER
08/01688/DET	Mr And Mrs Oberheim Plot 6 North West Of Portavadie Farm Millhouse Argyll And Bute Erection of garage/store	17/09/2008	03/11/2008	PER
08/01686/DET	Mr G S Sharp Old Schoolhouse Kilfinan Tighnabraich Argyll And Bute PA21 2EP Erection of two storey rear extension and porch to front elevation.	16/10/2008	22/10/2008	PER
08/01680/LIB	Mrs Christine Hughes Flat 3 Grand Marine Court 42 Argyle Street Rothesay Isle Of Bute Argyll And Bute PA20 0AX Installation of replacement windows	18/09/2008	24/10/2008	PER
08/01675/DET	Mrs Christine Hughes Flat 3 Grand Marine Court 42 Argyle Street Rothesay Isle Of Bute Argyll And Bute PA20 0AX Installation of replacement windows	18/09/2008	24/10/2008	PER
08/01634/DET	Johnny Bute Ardscalpsie Farm Rothesay Isle Of Bute Argyll And Bute PA20 0QA Alterations and extension to dwellinghouse	12/09/2008	14/11/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
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App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01614/DET	Mrs Louise Sutton 16A Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9DY Installation of replacement windows and exterior painting	11/09/2008	20/10/2008	PER
08/01610/FDP	Forestry Commission Woodland Opposite Junction Of B8000 And B886 Roads Strathlachlan Forest design plan	08/09/2008	06/11/2008	PER
08/01603/DET	Ms Maureen Thomson Flat 1/1 17 Battery Place Rothesay Isle Of Bute Argyll And Bute PA20 9DP Installation of replacement windows	10/09/2008	20/10/2008	PER
08/01579/DET	Somerfield Stores Ltd 10 Bridge Street Rothesay Isle Of Bute Argyll And Bute PA20 0HH Installation of additional plant, timber holding area and replacement door (partially retrospective)	16/09/2008	27/10/2008	PER
08/01520/TPO	Mr And Mrs Sim Buttercup Meadow Tighnabraich Argyll And Bute PA21 2BB Felling of 8 trees (oak, holly, sycamore and ash)	25/08/2008	06/11/2008	PER
08/01453/DET	Francis Terence Downes Hoop House 109 Bullwood Road Dunoon Argyll And Bute Erection of summerhouse	19/08/2008	21/10/2008	PER

**TOWN AND COUNTRY PLANNING
DELEGATED DECISIONS SINCE LAST COMMITTEE
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App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/01430/DET	Mr Robert Thomson Enmore Hotel 111 Marine Parade Kilm Dunoon Argyll And Bute PA23 8HH Conversion of squash courts to provide 4 flats, erection of shed and reconfiguration of car parking spaces	07/08/2008	11/11/2008	PER
08/01395/LIB	Douglas Graham Edgehill Eastlands Road Rothesay Isle Of Bute Argyll And Bute PA20 9JZ Installation of new window on gable elevation	19/09/2008	03/11/2008	PER
08/01386/REM	Mr Kevin And Mrs Jean Green Land To The East Of Calabeag Colintrave Argyll And Bute PA22 3AJ Erection of dwellinghouse and installation of septic tank	28/07/2008	03/11/2008	PER
08/01359/DET	Allan J Clark Foreshore Adjacent To Chollie Choal Strachur Cairndow Argyll And Bute PA27 8BX Upgrading of existing footpath and creation of boat slipway (Retrospective)	12/09/2008	21/10/2008	PER
08/01176/COU	Mr Manohar Lal Flat 5 35 Argyll Street Dunoon Argyll And Bute PA23 7HG Subdivision of flatted property to create two flats (retrospective)	06/10/2008	23/10/2008	PER
08/01033/COU	Alison Colquhoun Ardfin 43 Mary Street Dunoon Argyll And Bute PA23 7EG Retention of timber shed and conversion to dog grooming parlour	09/07/2008	30/10/2008	PER

**TOWN AND COUNTRY PLANNING
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Bute and Cowal**

App No	Applicant name, address and proposal	Valid date	Decision date	Decision
08/00758/DET	DM Rentals Brooklyn Timber Centre Brooklyn Place Dunoon Argyll And Bute Demolition of buildings and erection of residential development comprising 6 terraced houses and formation of car parking spaces.	21/04/2008	27/10/2008	PER
08/00273/LIB	Mr Harry Lymburn Albert Lodge 7 Royal Terrace 51 Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9EB Demolition of lean-to garden store, installation of replacement windows and French door	08/02/2008	24/10/2008	PER
08/00272/DET	Mr Harry Lymburn Albert Lodge 7 Royal Terrace 51 Mountstuart Road Rothesay Isle Of Bute Argyll And Bute PA20 9EB Demolition of lean-to garden store, installation of replacement windows and French doors	08/02/2008	27/10/2008	PER

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