

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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15 April 2010

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 22 APRIL 2010** at **2:00 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: 112 WEST PRINCES STREET, HELENSBURGH**
 - (a) **Notice of Review and Supporting Documents (Pages 1 - 76)**
 - (b) **Responses from Interested Parties (Pages 77 - 96)**
 - (c) **Applicant Response to Comments from Interested Parties (Pages 97 - 104)**

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Roddy McCuish
Councillor Donnie MacMillan

Councillor Alex MacNaughton

Contact: Hazel Kelly

Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

3/3/10
 (MS)
 Date Received

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
 of the Town and Country Planning (Scotland) Act 1997 and the Town and
 Country Planning (Schemes of Delegation and Local Review Procedures
 (Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
 Block Capitals. Further information is available on the Council's Website.
 You should, if you wish, seek advice from a Professional Advisor on how to
 complete this form.

(1) APPLICANT FOR REVIEW

Name

Address

Postcode

Tel. No.

Email

(2) AGENT (if any)

Name

Address

Postcode

Tel. No.

Email

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

112 West Princes Street,
 Helensburgh,
 G84 8XD

(6) Description of Proposal

Outline Planning Permission for the erection of 5 No. Dwelling houses at 112 West Princes Street, Helensburgh G84 8XD

(7)

Please set out the detailed reasons for requesting the review:-

1. The Applicant believes that the Application proposal is capable of supporting a specific housing need for the local community, and that the proposal has been unsympathetically considered in the Planning Department's reference to Council policies, and their subsequent Refusal.

(The Applicant has therefore prepared the enclosed Scheduled Document Number 1 which provides responses to the Planning Department's reasons for refusal in its Report of Handling.)

2. The Applicant believes that the immediate local community and neighbouring properties support the Proposal, and that this appears to have been ignored by the Planning Department in making its decision of Refusal.

(The Applicant has therefore prepared the enclosed Scheduled Document Number 2 which makes reference to local community support previously supplied.)

3. The Applicant is disappointed that no opportunity has been given to respond to the formal specific criticisms of the Planning Department prior to the issue of the Refusal. The Applicant has issued as requested during the Planning process a Supporting Report on the 17th November 2009, and subsequently on several occasions has made written requests for a dialogue regarding the specific issues, to enable discussion and agreement on a proposal which would satisfy Planning policies.

The first formal written documentation to the Applicant from the Planning Department on specific issues was on the same day as the date of refusal – 18th February 2010, 5 months after the date of Validation of the Application.

(The Applicant has therefore prepared the enclosed Scheduled Document Number 3 which includes historical letter and email correspondence with Planning Services, highlighting the requests for specific comments to form the basis of a dialogue to agree a proposal which would be satisfactory to the Council.)

4. The Applicant notes that there have been no formal requests for extensions of time beyond the statutory two - month Planning Application process, from the Planning Services. The formal Planning Application process in this instance has taken exactly five months (three more than the Government's stated target) to reach a formal conclusion.

This followed a period of approximately five months of pre-application discussions which were not productive. As the Applicant is 75 years old and planning his overdue retirement, he believes a period of ten months of trying to get an answer is unreasonable. This appears to fly in the face of the Governments stated objective to 'speed up' the Planning process, especially as this Application was minor and local.

(Copies of correspondence during the pre-application period are available if requested.)



(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (Note 3 paper copies of each of the documents referred to in the schedule below must be attached):

No.	Detail
1	Extract from Development Services Delegated Planning Application Report and Report of Handling, with the Applicant's responses to the points made.
2	Applicant's Report on the level of local community support for the proposals, and extract from his submitted Supporting Report.
3	Applicant's Record of requests made to the Planning Services for specific written objections to respond to and amend the proposals.
4	Copy of Original Planning Application and Drawing No. GB/A/ 01 submitted on 17 th September 2009, and Council letter of receipt and Validation, for reference.
5	Copy of Applicant's supporting Report, further drawing No. GB/A/02, and covering letter submitted on 17 th November 2009, for reference.
6	Copy of Planning Services Refusal of Planning Permission in Principle dated 18 th February 2010, for reference.
7	Copy of Development Services Delegated Report and Report of handling dated 26 th January 2010, for reference.
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)


Agent for Applicant
JB DesignConsult Ltd.

Dated

02 March 2010

Important Notes for Guidance

- 1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review**
- 2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.**
- 3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/**
- 4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk**
- 5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT***
- 6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.**

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

Notice of Review
– Application
number
09/01417/PPP

Document No. 1

Extract from Development
Services Delegated Planning
Application Report and Report
of handling, with the
Applicant's responses to the
points made

Notice of Review – Planning Application reference 09/01417/PPP-Scheduled Document Number 1

Extract from the Development Services Delegated Planning Application Report and Report of handling, with the *Applicant's responses on the points made inserted in blue italics for clarity:* -

(P) Assessment and summary of determining issues and material considerations

A. Settlement Strategy

The site is located within the Settlement boundary of Helensburgh and within Helensburgh Town Centre as defined by the Argyll & Bute Local Plan. Policy STRAT DC1 of the Structure Plan is applicable as well as Policies LP ENV1, LP ENV 19, LP HOU1 and Appendix A of the Local Plan. These Policies give guidance on the scale of developments that are acceptable within the settlements and also the design principles including layout and density. It is considered that the proposed development does not accord with these policies.

(The Applicant disagrees with this opinion and considers that the proposals generally accord with all of the above stated Policies, and to justify this refers to specific points within this Planning Report below)

B. Location, Nature and Design of Proposed Development

The proposal is to erect 3 dwellings and 2 flats on a site where there is an existing commercial garage and outbuildings. The site measures approximately 415 metres square. However 25 square metres of this is taken up with the access lane giving a useable area of approximately 390 square metres. The site lies to the rear of an existing 2 storey building which has a retail unit at ground floor level and domestic accommodation at first floor level. It is within the town centre and the site is surrounded by tenement buildings. The site is therefore considered to be backland development.

While this is an outline application, indicative plans have been provided to show how these dwellings would fit into the site. It is proposed to have a mews style development with the proposed dwellings using approximately the same footprint as the existing garages. This will have 3 dwellings to the west of the site where there are existing outbuildings and 2 flats to the rear of the site where the existing garages are. This would provide a courtyard area to the front of all of the dwellings. A patio and garden area would be available for 2 of the properties and this will be tucked into the north east of the site.

It is considered that the proposal is overdevelopment of the site, is backland development and out of keeping with the settlement pattern of the area, which is contrary to Policy LP ENV 19 of the adopted Local Plan.

(The Applicant has not disputed that this proposal is backland development, but this according to Council policy is not necessarily a negative issue. The Council Policy LP ENV 19, Appendix A, states)

'11.2 Back-land development can provide additional housing within existing residential areas and make good use of neglected and/or unused vacant land. However, such development needs to take account of the settlement's existing built character and the area's historical development. It requires to be designed to maintain the privacy and amenity of the original property and allow for an appropriate and safe vehicular and pedestrian access.'

(The Applicant has put a case forward in his submissions to satisfy the above points of policy. See the relevant Extract from the Applicant's Supporting Report pages 4-6 overleaf:-)

3. Response to Planning Department concerns regarding 'backlands development'

The Council Local Plan (pages 106 – 107 , see copy extracts following this section) specifies the relevant policy for this type of development. The proposals can certainly be described as 'backlands development', but this is not necessarily a negative issue, as the Local Plan also states.

We believe the proposals accord with the spirit of Council policy (paragraph 11.2 on page 107 – Local Plan) in this type of development with regard to providing additional housing within (predominantly in our opinion) residential areas and make good use of neglected and unused (under-used and redundant in this case) vacant land.

The policy further states that this type of development needs to take account of the existing settlement character and the area's historical development. This is justified in section 8 of this report.

Also there is a requirement to maintain the privacy and amenity of the original property (we interpret this to include neighbours). Compliance with these conditions is justified under sections 5 and 7 respectively in this report.

Historical precedent for residential 'backlands development' exists in many parts of Helensburgh. We recognise that some of these are not necessarily well located or designed. There are three examples located within only 30 - 70 metres of the site boundary. The sites are shown on the following maps with relevant photographs for reference.

These all vary in dates of construction, and some do not attain current standards of design quality, but appear to be popular and successful in the long term. This may be because the property values are lower comparatively than street facing housing. However this offers lower income purchasers a more affordable option in the local housing market. Similarly the Application proposals will offer this economic benefit to satisfy what we believe to be an established need in the local community.

In view of the apparent 100% occupancy levels in these historical residential 'backlands' developments, we believe there is a proven long-term sustainability of this type of housing, particularly in the immediate location of the Application site, therefore justifying the 'backlands' layout of the Application proposals .

The quality of design and materials in the proposals will meet the high standards demanded by both the Council and an increasingly discerning public, and these are referred to in Section 8.

Back-land Development

11.1 Back-land development can be defined as new development behind a row or group of existing buildings. Access to such development is normally gained via a separate road from that serving the existing buildings, although joint accesses are sometimes possible.

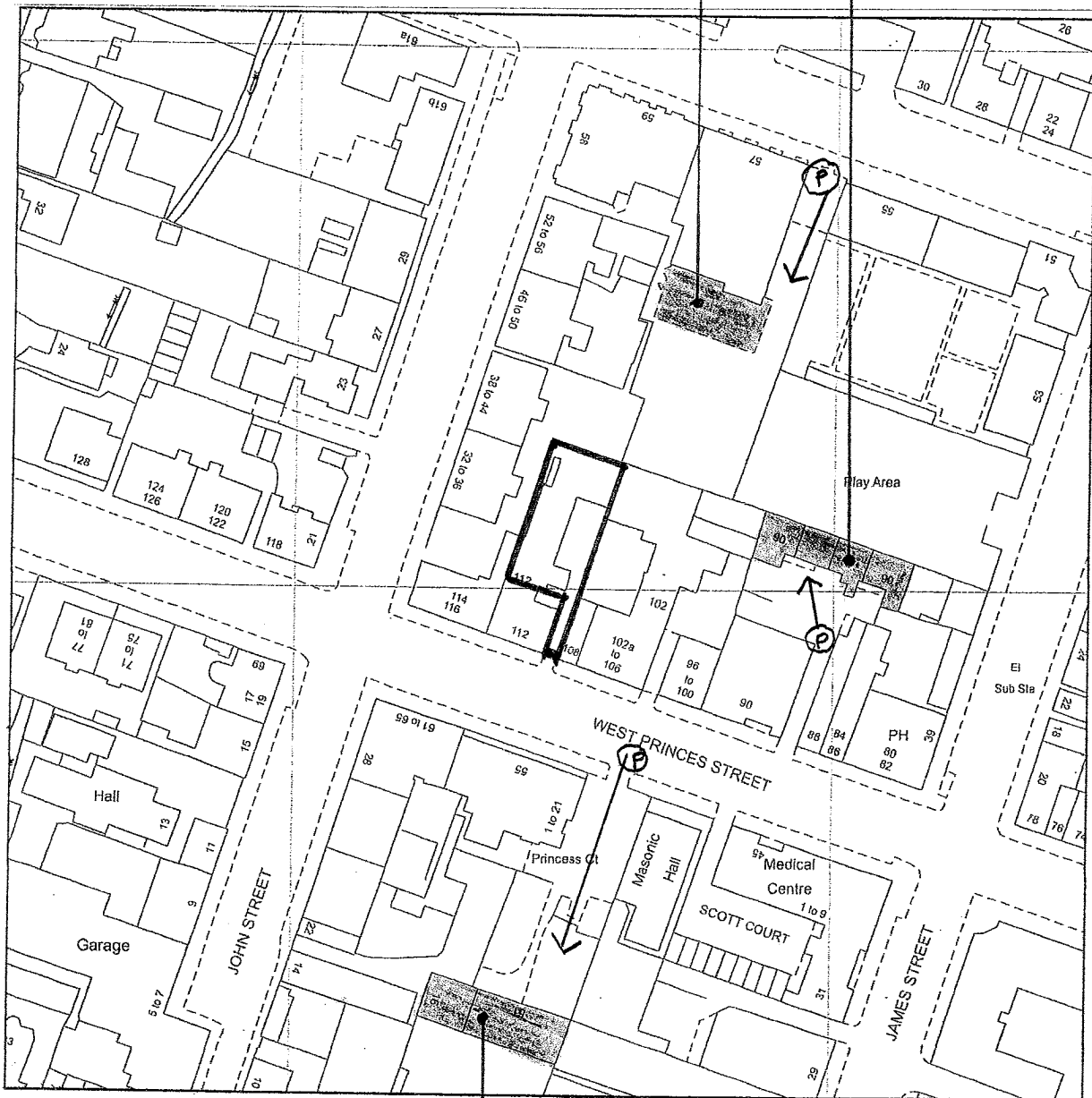
11.2 Back-land development can provide additional housing within existing residential areas and make good use of neglected and/or unused vacant land. However, such development needs to take account of the existing settlement character and the area's historical development. It requires to be designed to maintain the privacy and amenity of the original property and allow for an appropriate and safe vehicular and pedestrian access.

11.3 Planning applications for back-land sites should include details that clearly indicate the siting, aspect and height of the building, the proposed and existing accesses, and a clear, scale plan of all adjacent roads and footpaths.

Plan showing existing and historical Backlands development of housing within 30-70 metres of the Application site:

Two-storey flats over ground floor parking
behind the Library, dating from
the nineteen-nineties

Two-storey housing dating from
early – mid nineteenth century



Three -storey flats
dating from mid- late nineteenth century

(see next page for Photographs) (P)

Photographs of existing and historical Backlands development of housing within 30-70 metres of the Application site:

Two-storey flats over ground floor parking behind the Library, dating from the nineteen-nineties

Two-storey housing dating from early – mid nineteenth century ↓



Three -storey flats dating from mid- late nineteenth century



There are examples of backland development in close proximity to the development, the closest being the Flats at 90 West Princes Street which are just 27 metres from the application site. However, these buildings are located to the north boundary of the site and their rear elevation looks onto a play area which gives an open outlook.

(The Flats referred to are one of three nearby backlands developments. Although they have an open outlook to the rear, there are hardly any windows and all of these are to bathrooms or kitchens. All the main apartments of these flats face southwards into their shared courtyard to obtain sunlight, just as the Applicant's proposals, which will also have an open outlook to the rear, north-east over the Council Library car park. Therefore the Applicant's proposal meets the Council criteria to 'take account of the settlement's existing built character and the area's historical development' with regard to the rear properties. See extract from the Applicant's Supporting Report pages 16-17 overleaf which makes this point.)

The proposed development will be enclosed and constrained by surrounding flatted properties. While minimum window to window distances may be met and the applicant has shown in the supporting statement that sunlight and daylight are not an issue, it is considered that the privacy and amenity of any prospective residents would be adversely affected.

(The privacy of prospective [and existing neighbouring] residents in the proposals complies with current national legislation, and also with the Council policy under 'Overlooking' in Appendix A previously referred to):-

\ Overlooking

13.1 Privacy in the home is something that everyone has a right to expect, and in order to protect this basic right, new development needs to be carefully sited and designed. The use of windows that are taller than they are wide can greatly reduce problems of overlooking, particularly in built-up areas or where the road or footpath is close to the house.

13.2 The following standards have been successfully applied by the Council for many years and it is intended that their use will continue.

13.3 No main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres*. Plans submitted with planning applications will be required to show the location of all adjoining properties and the exact position of their main windows. A distance of 12 meters is required between habitable room windows and gable ends or elevations with only non-habitable room windows.'

(The Applicant's proposals comply with the required privacy distances, and are equivalent to all new housing or flatted developments which have apartment windows opposite or at 90 degrees to each other. The Council Report states above that 'minimum window to window distances may be met' [meaning we presume in context are met], therefore the privacy of both the existing and prospective residents is respected and accepted by the Planning Department. Therefore this criticism is not justified. The measurements proving this are contained in the Applicant's Supporting Report pages 12-14)

View from neighbouring property of existing commercial sheds



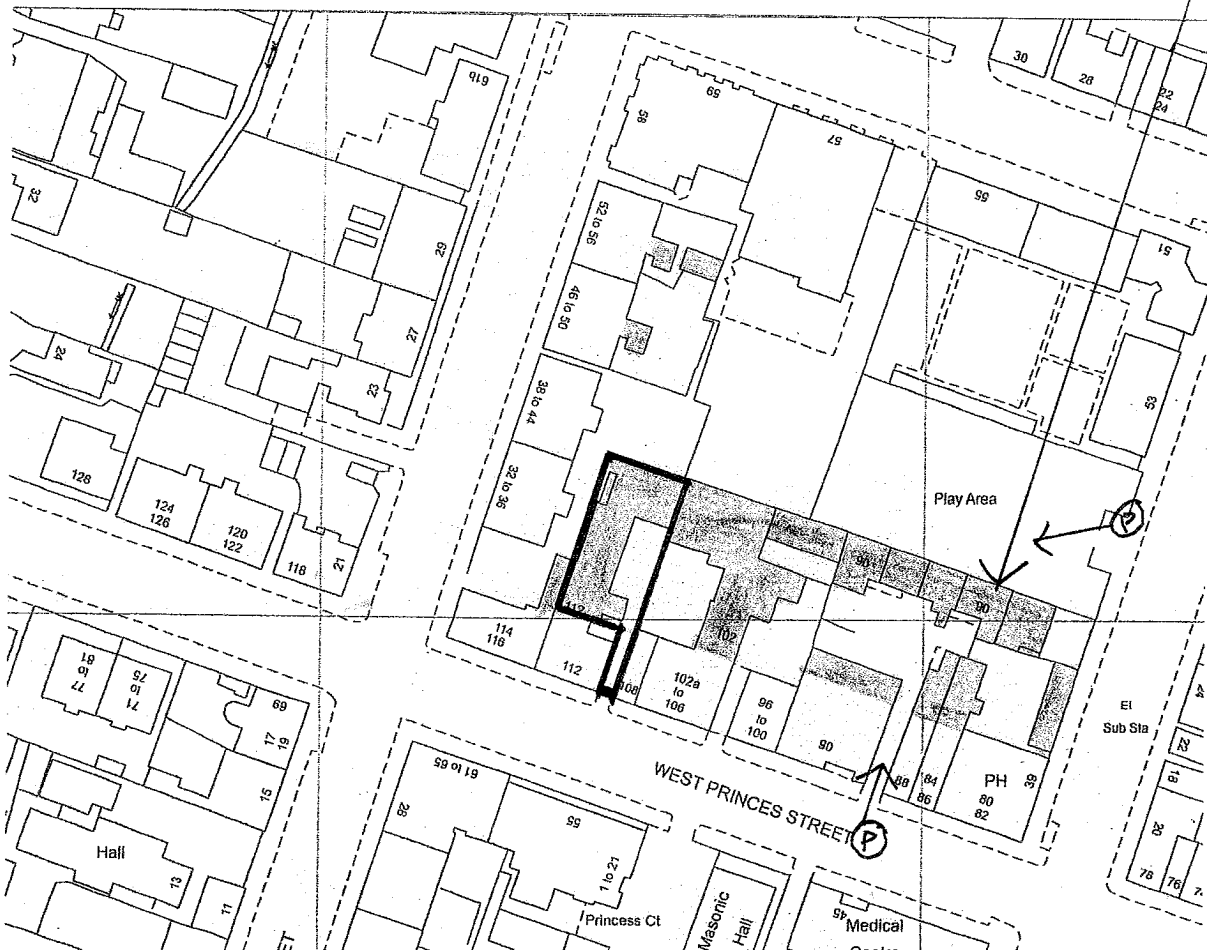
Same view following demolition and building the proposed flats

8. Architectural design and materials proposed

The Local Plan requires this type of backlands development to take account of the existing settlement character, and the area's historical development. We have referred in Section 3 to the historical nature of backlands development in the immediate neighbourhood, as precedent for the Application proposals.

The proposals have been designed to knit into the historical urban fabric of the area. The maps and photographs below demonstrate that the plan layout of the proposals repeats an historical established form of site development, with buildings including houses built in a linear form along the rear of the plots. Properties have been extended into the plots from the street frontage buildings. Therefore the proposals simply emulate this historical pattern of development, ensuring a similarity to existing urban form.

The architectural design relates to the surrounding mix of traditional properties, with proposed similar sloped roofs, dormer windows, render/stonework, and windows with similar and traditional proportions to those in the neighbourhood. There will be high quality pavours to form the courtyard surface, and high quality planting, with sustainable timber screens to the bins. See the previous aerial photomontage for the scale and character of the architectural design proposed.



Appendix A of the adopted local plan states that all developments should have some private open space, with courtyard style developments only occupying a maximum of 45% of their site. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring 4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 61% of the individual plots. The flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). The applicant has shown that there are a number of modern flatted developments within Helensburgh that have less open space associated with them and most of this is given over to parking. However, these developments all have direct road frontages as well as open aspects to the rear which contribute to the feeling of open space and their setting.

*(The Applicant considers that the proposal provides satisfactory amenity space within this type of courtyard development. There is a total of 135 m² open external ground floor space [having subtracted 25 m² for the access lane] available as a combination of private space and communal amenity area [including bin stores] for residents. This represents an average area of **27 m² per dwelling**, partly private and partly shared.*

*As accepted by the Planning Department above, the Applicant has proved that some recent flatted developments in Helensburgh are more intensively developed than these proposals. It is also accepted by the Applicant that they all have a better outlook, but that issue is referred to at the end of this section. However **none of these other examples have any private external ground floor amenity space for each flat.***

*And with reference to the space available for residents to use for leisure / amenity in these three recently built examples, they can offer approximately only **zero, 18 and 24 m² per dwelling on average** respectively, compared to the 27 m² average in the proposals. Additionally almost all of this shared open space in the comparative examples, if available at all, consists of perimeter planting beds not suitable for amenity use [Car parking area has been subtracted from these calculations as this is not capable of offering amenity use]*

*Therefore the Applicant has proved that **the site is not over-developed both in relation to intensity compared to three other recently built examples approved by the Council**; and submits that amenity space available for residents practicable use in the proposals is also **significantly greater than the comparative examples**, and therefore believes the density of development is less than other flatted proposals approved recently by the Council on sites out of the town centre, and therefore the proposed density is appropriate for this town centre site.*

See pages 7-8 in the Applicant's Supporting Report regarding the three comparative flatted developments referred to above)

On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined. The site also has little amenity area associated with the development.

(The Applicant disagrees with the above negative comments as stated below:-)

'flats to the west which dominate, constrain, and overshadow the site'

(The three single-storey dwellings to the west have an eaves height of approximately 3 metres with a shallow sloped roof. Therefore they are not a dominative element. This is a courtyard development which by character will have enclosed spaces, but not adversely constraining or affecting the use of the site. The height of these three elements cannot overshadow the site as a whole, and will only provide single-storey shadow over the courtyard for a short period in late evening sunshine.)

'the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined The site also has little amenity area associated with the development.'

(With regard to the number of properties on the size of site, and the overdevelopment issue, the Applicant believes these points are fully addressed in the previous responses above. The amenity space available to the dwellings and flats has also been discussed above. The rear flats directly overlook the hard landscaped courtyard to the south, and not directly over the roofs of the dwellings. The privacy issue has also been dealt with previously, therefore the Applicant believes these specific comments above to be an incorrect or overly negative interpretation of the policies.

With regard to the limited outlook, this is accepted by the Applicant to an extent due to the nature of the backland courtyard development layout. However the Applicant's Supporting Report referred to this issue in relation to the overall benefit of the proposals.

The Applicant's view previously expressed is that the house units are mainly designed to suit elderly or infirm people looking for an accessible single bedroom flat close to the town centre. They are likely to have less regard for distant views and large private open space to maintain, than the benefits described above.

See following extract from the Applicant's Report page 15 on this general issue overleaf, which justifies sufficient amenity and outlook for the likely requirements of the prospective residents)

7. Response to Planning Department concerns regarding 'amenity'

Concerns were naturally raised regarding the amenity for the occupants of the new flats, mainly due to the proximity of taller buildings surrounding the site, and the existence of commercial sheds adjacent to the site at the rear of No. 102 West Princes Street.

There is also an issue regarding any change to the amenity of existing neighbouring properties around the site caused by the proposals.

Firstly, addressing the amenity of existing neighbours, the Application proposals immediately improve the visual amenity of the numerous properties which have an aerial view of the development. See the 'before and after' view photomontages below, to visualise that the existing eyesore of dilapidated commercial sheds will be replaced by a new, attractive courtyard development with good quality materials, designed sympathetically in relation to the historical character of the surrounding built environment.

Also, the environmental amenity of neighbouring properties during working hours will improve, because the current noise created by the existing commercial / vehicular activities will be removed from the site. And as discussed within previous sections of this report, the amenity value of daylight and sunlight for neighbours will be unaffected, and the required privacy standards will be satisfied.

Secondly, the amenity of the new properties has to be considered. In terms of site openness there are certainly higher buildings surrounding the new dwellings, and views and outlook are limited. The site layout mitigates against this problem by locating the new apartment windows to afford the best aspect possible.

The three single storey flats face west/south west directly over an open back garden, with upper views of sky and daylight above the 2 metre boundary wall. Lower views are of the landscaped courtyard with planting growing against the wall. The two flats to the north face south with views of the rear of the street properties. However there are gap views south and West to the street, and upper sky views and daylight over neighbouring roofscape, which is at least 18 metres distance.

All flats have a direct view into the high quality, communal landscaped courtyard. This is available as a semi-private community resource for residents to sit out in good weather, encouraging a community spirit in this housing group. Although mainstream housing has a higher degree of open space and outlook, the targeted residents for these specifically designed one-bedroom flats are not likely to place such a high value on these aspects. In addition the issues of daylight, sunlight and privacy have been demonstrated as satisfactory in previous sections.

Concerns were expressed about the unpleasant view of the commercial sheds situated directly to the East, within the rear of No. 102 West Princes Street. The design takes account of this, and there is no direct facing view of the sheds from any apartment window. There are partial views from the three single storey flats, but all flats have a substantially less direct view of the sheds in comparison with several existing flats on the street. See drawing numbers GB/A/02 and 03 on the previous page for demonstration of the above comments. We believe therefore that, on balance, the 'amenity' appropriate for this type of courtyard development is satisfactory.

Applicant's conclusions on Planning Services reasoning for Refusal:-

- 1. The Applicant in his Application used and referred to Council policies for development in formulating and supporting the Proposals, and believed in essence that they comply. However the Planning Department have also referred to those same policies to justify a Refusal of the Application. The Applicant believes it is therefore a matter of difference of opinion and judgement on specific regulation that is at issue.*
- 2. The Applicant has provided a Supporting Report (Scheduled Document number 5 in the Review) which covers not only regulatory policy, but also the identifies community need, community support and the lack of objectors (one only), and also refers to National government's recommendations for innovative solutions to housing need. The Applicant as a result believes there is an overall benefit to the community in providing such a development in this location.*
- 3. This is an Application for Planning in Principle. The Applicant's Supporting Report and subsequent correspondence throughout has made requests to work with the Council Officers in working up a proposal that is acceptable to the Council, and he continues to offer to do so.*
- 4. The actual Refusal Notice dated 18th February provides reasons for refusal, but these are a summary of the above Delegated Report extracts, and so have not been referred to by The Applicant in this Review. All the points for refusal in the Refusal Notice have been discussed above. A copy of the Refusal Notice is provided in the Scheduled Documents enclosed for reference.*

Notice of Review
– Application
number
09/01417/PPP

Document No. 2

Applicant's Report on the
level of community support
for the proposals, extracted
from the Supporting Report

The Applicant has encountered nothing but support from neighbouring people and businesses, and other local residents who are aware of the proposals.

The local Community Council have examined the proposals and their Secretary has reported to the Applicant that they support the proposals. This is because they have knowledge of many local elderly and infirm people who may be looking to downsize from larger properties to a smaller, easily maintained flat, close to the centre of town and on a flat barrier-free route to public transport, shops and community facilities.

The site and layout of these proposed flats (designed for accessibility and to accommodate mobility scooters at ground level) meet the above requirements, and provide a quiet cul-de-sac semi-private courtyard development. This will encourage personal community contact, and shared external neighbour space which does not directly face a busy street.

As part of the Planning Application process 56 neighbouring properties were notified and there was only one objection on a broad range of issues, many of which are not relevant to the detail of the Application. The objector had not had the opportunity to see the Applicant's Supporting Report at that time.

The Applicant's Supporting Report issued during the Planning Application period referred to the above community support in summary – see page 19, part 9, extracted from this report overleaf.

9. Statement on local community support and objections

The Applicant has received supportive feedback from neighbours notified. Several have visited the shop and have viewed drawing No. GB/A/⁰²01, and are supportive of this type of development. One has written a letter to the Council expressing their support. The Community Council have looked at this Application and their Secretary has reported to the Applicant that they fully support this proposal, and confirm there is a need for this type of housing in this community.

We have identified only one letter of objection on the Council online Application file (this appears twice – one as a letter, and the same objection as an email) despite over 50 neighbour notifications being issued. This single objection covers a wide range of issues, and we believe most of these concerns are demonstrated as satisfied within this report.

10. Examples of housing elsewhere, supported by national government which encourages innovation and quality

Both UK National government and local councils encourage innovation and high quality in finding housing solutions for community need.

We believe having identified a community housing need, that we have been innovative in creating a satisfactory solution to meeting this need. Two recent examples of housing in Harlow and Cambridge which have won Awards, are unusual in providing housing in which high density courtyard forms, with homes in close proximity, are acceptable through good design which respects amenity. These examples do not comply with current overlooking and privacy distances, but have been approved and are popular with occupants. Their architecture and materials are appropriate to their location. The UK national government at Minister level, and the Commission for Architecture and the Built Environment have encouraged all Councils in the UK to follow these examples.

The Application proposals represent such courtyard designs, with close proximity to other dwellings, but complying with the Regulations as explained in this report.



Newhall, Harlow

Accordia, Cambridge

**Notice of Review
– Application
number
09/01417/PPP**

Document No. 3

Applicant's Record of requests made to Planning Services for specific written objections to respond to and amend the proposals

The Applicant has consistently throughout both the pre-application discussions and the Planning Application process, requested feedback from Planning Services regarding any specific issues of Council Planning policy which would affect the proposals, so that the proposals could be amended if required to meet Council requirements.

During five months of pre-application discussions the only two issues raised in that period verbally at a meeting, by Planning Services were regarding overlooking (privacy), and overshadowing (sunlight / daylight penetration into the site). The Applicant sent back by return (and received no subsequent comment), responses to these issues which have many months later subsequently been accepted as satisfactory in the Refusal Notice*. This is not surprising as both pertinent issues in the proposals comply with industry accepted, national Government, and Local Plan policies. The Applicant had received no final indication verbally or in writing of the likelihood of the proposals being acceptable or not by the 17th September 2009, and therefore applied for Planning Permission in Principle on that date.

Following this the Applicant and his Agent had not been contacted regarding the Application by the 3rd November 2009, almost seven weeks into what should be a two-month process. On calling Planning Services that day the Applicant's Agent was advised that the Application was to be refused on the basis of overdevelopment. The Agent requested a meeting to discuss the proposals prior to a decision, and this was held on the 12th November 2009, when Planning Services were made aware of detailed reasoning for the proposals, and requested supporting evidence (which was sent as a Report a few days later)

Between that date up until the date of Refusal 14 weeks later on the 18th February 2010, neither the Applicant or Agent were contacted by Planning Services to discuss that supporting evidence.

The Applicant contacted Planning Services by phone and email at times to offer to meet and discuss any further concerns, and to offer to amend the proposals if necessary. Finally the Planning Services Report of handling was sent to the Agent on the 18th February 2010, the same day as the Application was Refused.

(See copies below of correspondence highlighting requests for discussion by the Applicant)

The Applicant is therefore disappointed that there has been no opportunity to discuss the proposals with a view to considering potential amendments to meet Council requirements.

*Planning Services have accepted in their Report of handling that privacy issues and sunlight / daylight penetration into the site **are satisfied**, but then contradict this statement by saying that '**the privacy of any prospective residents would be adversely affected**'. – how can this argument be justified when they have previously stated the **privacy issue is satisfied** ?

17-11-2009 / GB/A/L3

Planning Department
Development Services
Argyll and Bute Council
Blairvadach
Near Helensburgh
G84 8ND

Dear Sirs,

Planning Application Reference – 09/01417/PPP

Subject;- 112 West PrincesStreet, Helensburgh, G84 8XD

Proposed re-development of commercial premises at above site :-

We confirm having requested a meeting on the 3rd November 2009 to discuss any issues arising from the Application made on the 18th September 2009.

Following your agreement, and the site meeting with your Ms. S Davies and Ms. S Glen on the 12th November, thank you for the specific comments made about your concerns. This has assisted us in addressing these points in more detail.

We also agreed that we would provide evidence of our justification of the proposals for your consideration. We therefore enclose our report on our responses to your concerns, along with a drawing showing an outline sketch option for five flats, as tabled at the meeting.

As agreed you will require a week or two following submission of this additional information to determine the Application. Although the target determination date is the 18 November 2009, the Applicant and yourselves agreed to this timescale.

As we are now into the 27th week of dialogue about these proposals including the pre-application discussions, we would appreciate some urgency on arriving at a decision. We are available at short notice to discuss any further queries or supply more additional information, to work with you to identify a solution acceptable to the Council.

Please advise if this is required to assist you with assessing the proposals.

Yours Faithfully.

Mr. J. Black
For JB DesignConsult Limited
Agent for Mr. G. Burgess, Applicant.

Encl.- Report on responses to Planning Concerns- 14/11/09, + copy drawing Number GB/A/02
c.c. Mr. G. Burgess + copy encl.

Subject: RE: 112 West Princes Street - Application ref. 09/01417/PPP

Delivery-Date: Wednesday, December 16, 2009 3:30 PM

From: "Glen, Stephanie" <Stephanie.Glen@argyll-bute.gov.uk>

To: 'info@jb-designconsult.co.uk' <info@jb-designconsult.co.uk>

Dear Mr Black

I am still working on your report. I apologise for the time taken, but I have an awful lot of work on at the moment since it is just myself and a part time officer dealing with all of the applications. You have submitted ample information and it just takes time to go through all of the points that you have raised in your supporting documentation. I aim to try an work solely on your application next week, but it will be the beginning of January before you will get a decision.

I realise that this is longer than anticipated and I again apologise for the delay.

Regards

Stephanie

-----Original Message-----

From: info@jb-designconsult.co.uk [mailto:info@jb-designconsult.co.uk]

Sent: 14 December 2009 10:02

To: Glen, Stephanie

Subject: 112 West Princes Street - Application ref. 09/01417/PPP

Dear Ms.Glen,

I confirm my call to you on the 2nd December enquiring about the progress of the above Application validated on the 18th September 2009. You advised you were very busy and required a further two weeks to complete your report, which I reported to the Applicant. He has asked me to check with you on the current situation.

As previously advised we can meet to discuss any further concerns or matters required to enable the proposals to be acceptable to the Council. Please let us know the position as soon as possible.

Regards,

Joe Black
Managing Director
JB DesignConsult Limited
10 Kenilworth Avenue
Helensburgh G84 7JR
tel : 0754 532 5806
www.jb-designconsult.co.uk
email : info@jb-designconsult.co.uk

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not disclose, copy or deliver this message to anyone and any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

In such case, you should destroy this message and kindly notify the sender by reply email. Opinions, conclusions and other information in this message that do not relate to the official business of Argyll and Bute Council shall be understood as neither given nor endorsed by it.

All communications sent to or from Argyll and Bute Council may be subject to recording and/or monitoring in accordance with relevant legislation.

This email has been scanned for viruses, vandals and malicious content.

Subject: Re: 112 West Princes Street - Application ref. 09/01417/PPP

Delivery-Date: Friday, January 15, 2010 11:03 AM

From: info@jb-designconsult.co.uk

To: Stephanie.Glen@argyll-bute.gov.uk

CC: Sandra.Davies@argyll-bute.gov.uk

Dear Ms. Glen,

I confirm my call yesterday regarding the progress of this Application. You advised that although you had managed to prepare most of your report prior to Christmas, you have not had a chance to complete it yet. You anticipated you could look at it again today, and get back to me hopefully next week. I informed the Applicant Mr. Burgess and although he understands that your office is apparently understaffed, he is becoming frustrated with the time taken to assess this Application.

Following our site meeting with yourself and Ms.Davies on the 12th November 2009, Ms. Davies anticipated from receipt of our further information, you would require two weeks to let us know the position. We provide that further information on the 18th November. We are now approaching four months into the Application process, following a period of 19 weeks of pre-application discussions in which we received little guidance on your specific objections.

Either the proposals are acceptable and a Permission should be granted, or there are specific areas of council policy, planning laws or design that you may have comments on so that we can respond.
Mr.Burgess requests if you can now advise on the position.

Regards,

Joe Black
Managing Director
JB DesignConsult Limited
10 Kenilworth Avenue
Helensburgh G84 7JR
tel : 0754 532 5806
www.jb-designconsult.co.uk
email : info@jb-designconsult.co.uk

----- Forwarded Message

Page 26

> From: <info@jb-designconsult.co.uk>
> Date: Friday, January 22, 2010 4:17 PM
> To: <planning.hq@argyll-bute.gov.uk>
> Subject: Fw: 112 West Princes Street - Application ref. 09/01417/PPP
>
> To Head of Planning,
> Argyll and Bute Council,
>
> Dear Sirs,
>
> Planning Application Ref. 09/01417/PPP - 112 West Princes Street,
> Helensburgh
>
> As agent for the above Application, I write on the Applicant's behalf to
> request your assistance in finalising the Application process which in
> this
> instance has now entered the fifth month of what is normally a two month
> process.
> We have been advised that the reason for the delay is due to staff
> shortage.
> Can you therefore please assist by increasing resources to speed up the
> process ?
> We have tried to get an indication of the likely timing on this, and I
> have
> forwarded the relevant email correspondence. I have had no response to
> date
> regarding my email sent last Friday.
> Please advise if you can assist.
> Thanks in anticipation.
>
> Yours Faithfully,
>
> Joe Black
> Managing Director
> JB DesignConsult Limited
> 10 Kenilworth Avenue
> Helensburgh G84 7JR
> tel : 0754 532 5806
> www.jb-designconsult.co.uk
> email : info@jb-designconsult.co.uk

Subject: Fw: 112 West Princes Street - Application ref. 09/01417/PPP

Delivery-Date: Thursday, January 28, 2010 12:00 PM

From: info@jb-designconsult.co.uk

To: beth.connelly@argyll-bute.gov.uk

Dear Ms. Connelly,

I confirm your telephone message on Friday last, confirming your office's receipt of the email below.

As I have still heard nothing from anyone in the Planning Department, can you confirm that you sent the email on, and if any of the receiving parties may be out of their office this week ?

Thanks,

Joe Black

JB DesignConsult,

Agent for the Applicant

Subject: FW: 112 West Princes Street - Application ref. 09/01417/PPP

Delivery-Date: Friday, January 29, 2010 9:25 AM

From: "Connelly, Beth" <Beth.Connelly@argyll-bute.gov.uk>

To: info@jb-designconsult.co.uk

Good morning Mr Black, please see below the email that I forwarded to Howard Young last Friday.

Beth

-----Original Message-----

From: Connelly, Beth On Behalf Of planning.hq

Sent: 22 January 2010 16:40

To: Young, Howard

Cc: Gilmour, Angus

Subject: FW: 112 West Princes Street - Application ref. 09/01417/PPP

Hi Howard, please find below an email for your attention.

Thanks

Beth

Subject: 112 West Princes Street - Application Number 09/01417/PPP

Delivery-Date: Friday, January 29, 2010 10:41 AM

From: info@jb-designconsult.co.uk

To: Stephanie.Glen@argyll-bute.gov.uk

Dear Ms.Glen,

I confirm my call to you this morning as we have heard nothing from the Planning Department regarding the progress of the application since I last called on the 15th January.

You advised your report recommends refusal on the basis of 'overdevelopment', and this is now with Mr. Young for signing. I confirm that we have consistently requested in our correspondence for any specific comments you may have, so that we could respond to provide a solution acceptable to the Council. Although 'overdevelopment' was first raised at our meeting on the 12th November, we provided justification in our further information. We should therefore be given the opportunity to address this specific reason for refusal, prior to you making a decision. Could you please advise the calculations justifying 'overdevelopment' so that I can discuss this with the Applicant for consideration and possible amendment of the proposals.

Regards,

Joe Black
Managing Director
JB DesignConsult Limited
10 Kenilworth Avenue
Helensburgh G84 7JR
tel : 0754 532 5806
www.jb-designconsult.co.uk
email : info@jb-designconsult.co.uk

Subject: RE: 112 West Princes Street - Application Number 09/01417/PPP

Delivery-Date: Thursday, February 18, 2010 3:25 PM

From: "Glen, Stephanie" <Stephanie.Glen@argyll-bute.gov.uk>

To: 'info@jb-designconsult.co.uk' <info@jb-designconsult.co.uk>

Attachments: 1417.ROH.doc (124.5 KB)

Dear Mr Black

I apologise for not getting back to you sooner. Please find attached my report of handling which details the reasons why we consider the site to be overdevelopment.

I hope this is of help.

Regards

Stephanie

-----Original Message-----

From: info@jb-designconsult.co.uk [mailto:info@jb-designconsult.co.uk]

Sent: 16 February 2010 14:38

To: Glen, Stephanie

Subject: Fw: 112 West Princes Street - Application Number 09/01417/PPP

Dear Ms.Glen,

I forward below my email sent on the 29th January 2010 as I have had no response.

Can you now confirm the definition in your report of 'overdevelopment' with respect to this application so that we can look at an option which will not be considered to be over-developed?

Joe Black
Managing Director
JB DesignConsult Limited
10 Kenilworth Avenue
Helensburgh G84 7JR
tel : 0754 532 5806
www.jb-designconsult.co.uk
email : info@jb-designconsult.co.uk

----- Forwarded Message

> From: <info@jb-designconsult.co.uk>

> Date: Friday, January 29, 2010 10:41 AM

> To: <Stephanie.Glen@argyll-bute.gov.uk>

> Subject: 112 West Princes Street - Application Number 09/01417/PPP

>

> Dear Ms.Glen,

> I confirm my call to you this morning as we have heard nothing from the
> Planning Department regarding the progress of the application since I last
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> 'overdevelopment', and this is now with Mr. Young for signing.

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> this specific reason for refusal, prior to you making a decision.

> Could you please advise the calculations justifying 'overdevelopment' so
> that I can discuss this with the Applicant for consideration and possible
> amendment of the proposals.

>

> Regards,

>

> Joe Black

> Managing Director

Notice of Review
– Application
number
09/01417/PPP

Document No. 4

Copy of original Planning
Application and Drawing No.
GB/A/01 submitted on 17th
September 2009, and Council
letter of receipt and
Validation, for reference



Reference No:		
Application Type		
National	Major	Local

Please send your completed application to: Planning Services, Dalriada House, Lochnell Street, Lochgilphead, PA31 8ST

The undernoted applicant hereby makes application for planning permission in principle for the development on this form and on the accompanying plans. This form should not be used for applications for Mineral Consent, Listed Building Consent, Conservation Area Consent, Advertisement Consent, Certificates of Lawfulness or Prior Notification as separate application forms are available for these.

1(a) Applicant (IN BLOCK CAPITALS) Full Name <u>MR. G. BURGESS</u> Address <u>90 J. G. BURGESS + SON</u> <u>112, WEST PRINCES STREET,</u> <u>HELENSBURGH</u> Post Code <u>G84 8XD</u> e-mail <u>-</u> Tel No <u>-</u>	1(b) Agent (see note 1) Full Name Address <u>JB DESIGNCONSULT LTD</u> <u>10 KENILWORTH AVENUE</u> <u>HELENSBURGH G84 7JR</u> <u>T: 07545 325 806</u> Post Code e-mail <u>info@jb-designconsult.co.uk</u> Tel No
--	---

2. Description of Proposed Development (see note 2)
CHANGE OF USE FROM SHOP/GARAGE TO DWELLING HOUSES (5 No.)
(CLASS 1) (CLASS 2)

3. Location of the land to which the development relates (see note 3)
 (A) Postal address of development
112 WEST PRINCES STREET, HELENSBURGH - G84 8XD
 OR
 (B) In the case where the land in question has no postal address, a description of the location of the land
-

4. Site/Floor area (complete as appropriate) (see note 4)
 Proposed site area of the development (site edged red - taking account of the definition in the notes for guidance)
415m²
 Floor area of building (including all floors) -

5. Demolition (see note 5)
 Will any buildings or structures be demolished in connection with the proposed development?
 Yes No
 If YES, identify the building(s) to be demolished on the site plan.

6. Is a claim of locational need or special circumstances being made (see note 6)
 (A) Is a claim of locational need being made (as in the notes for guidance)? If YES, please give details in a covering statement. Yes No
 (B) Is a claim of special circumstances being made, after reference to the accompanying notes for guidance, includingcroft or farm diversification. If YES, please give details in a covering statement Yes No

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE

7. Development affecting a Registered Croft (see note 7)

Does the site form part of a registered croft? Yes No

If so, please supply the croft registration number/reference and show on a separate plan the croft boundary on edged in green

Has the croft been the subject of an operational plan approved or submitted to the Crofter Commission
If YES, please supply a copy Yes No

Is there an existing croft dwellinghouse(s) within the boundary of the croft? Yes No
If YES, please show the position of the dwellinghouse(s) on the separate plan of the croft boundary

8. Access Arrangements (see note 8)

No change New vehicular access Existing vehicular access to be used
Existing vehicular access to be altered/improved Separate pedestrian access proposed

9. Off-site access/road improvements (see note 9)

Is it intended to provide "off-site" access/road improvements? Yes No

If YES, please give a description of the improvements proposed, which should be included on the application site edged red
red
.....

10. Drainage Arrangements (tick one box only) (see note 10)

Connection to existing public sewer
Connection to existing private sewer/septic tank Single septic tank or biodisc proposed
Two or more septic tanks or biodiscs proposed Other type of private system (specify on plans)
Please specify type of outfall for septic tank(s) or biodisc(s)

11. Water supply arrangements (tick one box only) (see note 11)

Connection to existing public main Proposed connection to public main
Existing private supply to be used Proposed private supply

Please identify the proposed private water supply source, any proposed pipes and storage arrangements on the Site Plan within the site edged in red.

12. Are any trees to be cleared from the site? (see note 12)

Not Applicable Yes No If YES, show details of trees to be retained/felled/replanted on Site Plan.

THIS SECTION MUST BE COMPLETED IN EVERY CASE

Ownership Certificates Under Regulation 15(2) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Does the land or any part of the land to which this application relates constitute or form part of an agricultural holding (see note (b) overleaf) YES NO

I HEREBY CERTIFY THAT 21 DAYS BEFORE THE DATE OF THE APPLICATION : (Tick one box only)

No person (other than the applicant) was the owner of any of the land to which the application relates, or an agricultural tenant. OR;	<input checked="" type="checkbox"/>
The applicant DOES NOT OWN all the land involved in the application site, but has given a copy of the requisite Regulation 15(1) Notice to the owner(s) (see note (a) overleaf) or agricultural tenant (see note (b) overleaf) of any part of the application site, who are listed below in Section A. OR;	<input type="checkbox"/>
The applicant has been unable to notify all owners / agricultural tenants of the application site, after having taken the measures detailed in Section B to identify them.	<input type="checkbox"/>

Those Notified in terms of Regulation 15(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 are:

SECTION A

Name of Owner/ Agricultural Tenant	Address	Date Notified
.....
.....
.....
.....
.....

Details of the measures taken to identify notifiable parties in terms of Regulation 15(3) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 who the applicant has been unable to notify under Regulation 15(1) of said Regulations:

SECTION B

.....

.....

.....

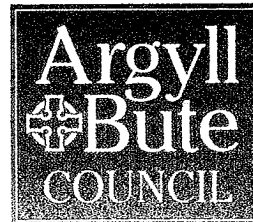
DECLARATION

I hereby certify that I, the applicant/applicant's agent, have given correct and complete information and given the requisite notices to all parties who have a notifiable interest in terms of Regulation 15(1) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

SIGNED *Admin for Agent J B Design Consult* DATE *17/SEPT/2008*

Warning :
If any person issues any certificate which purports to comply with the requirements of Regulation 15 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Development Services

Director: George Harper

Planning Officer e-mail address:

Dalriada House, Lochnell Street, Lochgilphead, PA31 8ST
Tel: (01546) 604840
Fax: (01546) 604822

Our Ref: 09/01417/PPP

Your Ref:

24 September 2009

REC'd 29/09/09
JB

Mr G Burgess
JB Design Consult Limited
10 Kenilworth Avenue
Helensburgh
G84 7JR

Dear Sir/ Madam

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

APPLICANT: Mr G Burgess

PROPOSAL: Outline Planning Permission for the erection of 5no dwellinghouses.

SITE ADDRESS: 112 West Princes Street Helensburgh Argyll And Bute G84 8XD

I acknowledge receipt of your application which was received on 18th September 2009, together with the planning fee of £290. Further to checking your application it has been found to be valid on receipt and has now been registered.

It should be noted that in the case where the application will required to be advertised in accordance with Regulation 20 of the Town and Country Planning (Charges for Publication of Notices) (Scotland) Regulations 2009 the Council are legally obliged to charge the actual cost of the advert and invoice you accordingly. If you have already paid a sum towards your advert fee the Council will refund the difference or invoice for the outstanding amount or the actual amount if you have paid no fee towards an advert. In terms of Regulation 20 you will have 21 days to pay the outstanding balance. If the outstanding balance is not paid with the 21 days the Council cannot issue a decision on your application and will treat it as withdrawn and start proceedings to recover the actual costs.

Monitoring of advert fees has shown that the costs of adverts can range from £50.00 to £650.00 (including VAT) depending on the number of adverts in any given week or the paper used. These charges are outwith the control of the council as they are set by individual papers. In order to try and keep costs to a minimum, the Council is now advertising planning applications fortnightly in an attempt to avoid any individual being faced with a £650.00 bill, although this cannot be guaranteed.

Your application reference number is 09/01417/PPP which should be quoted in all communications with the Council. Please note that for the purpose of the planning decision notice, the description of your application will be as described in the "proposal" above. If you disagree with this description in any way, please do not hesitate to contact the Area Office in order for any changes to be made. Contact should be made within 5 working days of this letter to allow for any changes to be made, or it will be assumed that you accept the application description.

If you have not received a formal decision by 18th November 2009 and would wish a review into the non determination of your application you should contact Nigel Stewart, Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8ST.



If this situation does arise, I would suggest that you get in touch with the relevant area planning office to discuss the application as a review may not be necessary. If you wish to discuss the application while it is with the Council, please contact the area office on 01436 658882.

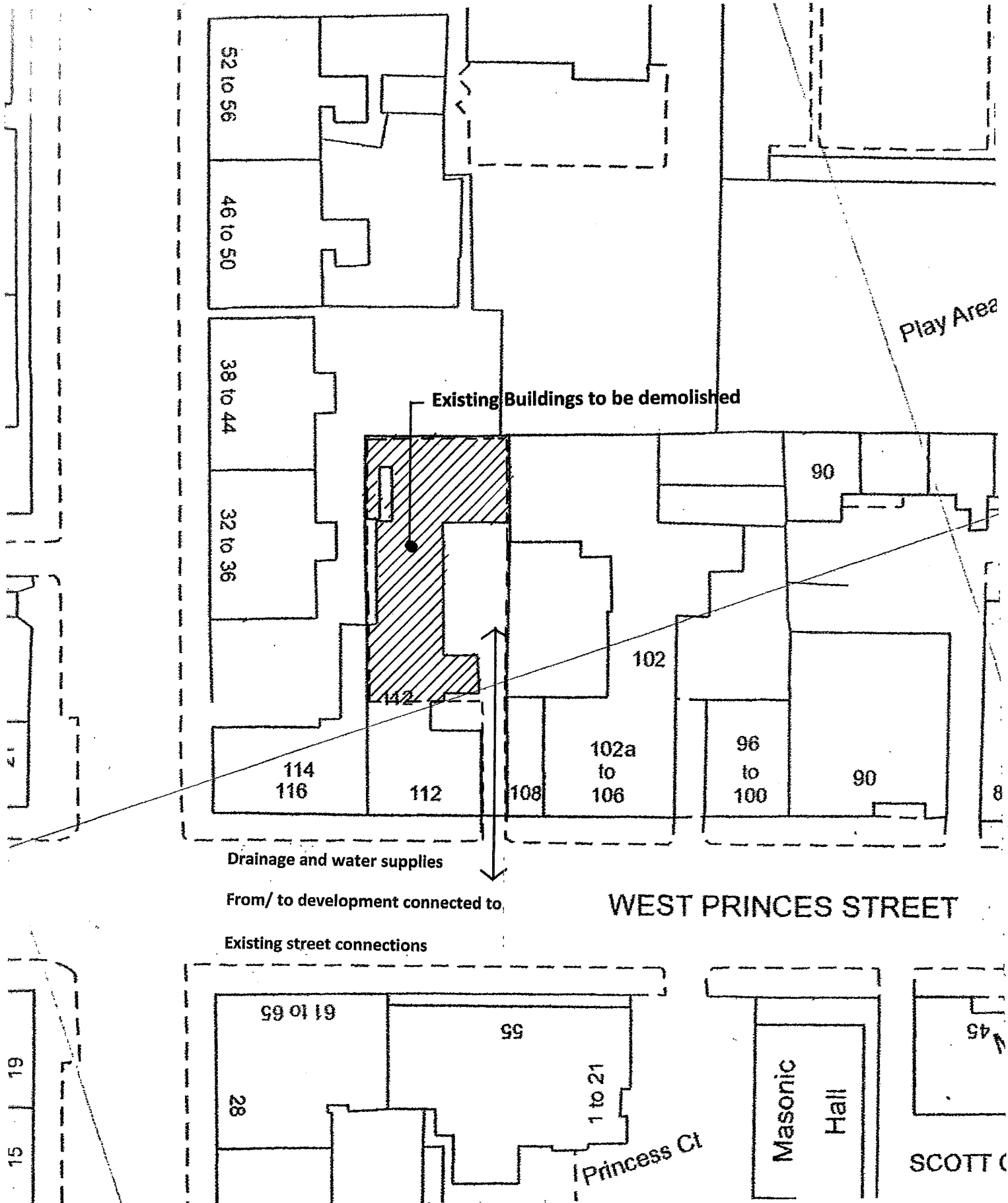
If you wish to view the progress of this or any other application you can do so by visiting the Council's Website at www.argyll-bute.gov.uk.

In addition to this facility the public can submit an application electronically by visiting the Scottish Government Website at www.eplanning@scotland.gsi.gov.uk. Your application will then be electronically forwarded to Argyll and Bute Council for processing.

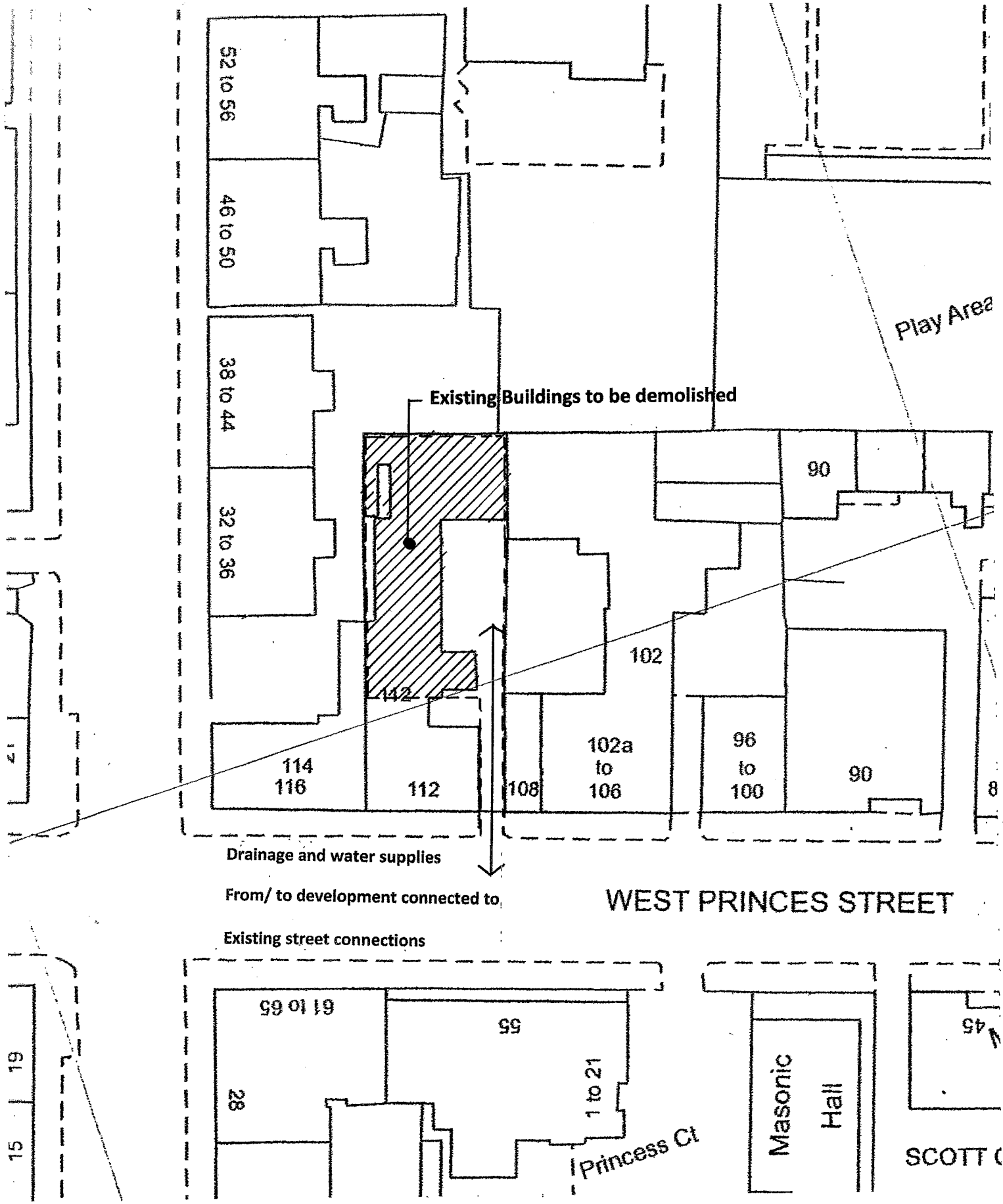
Yours faithfully



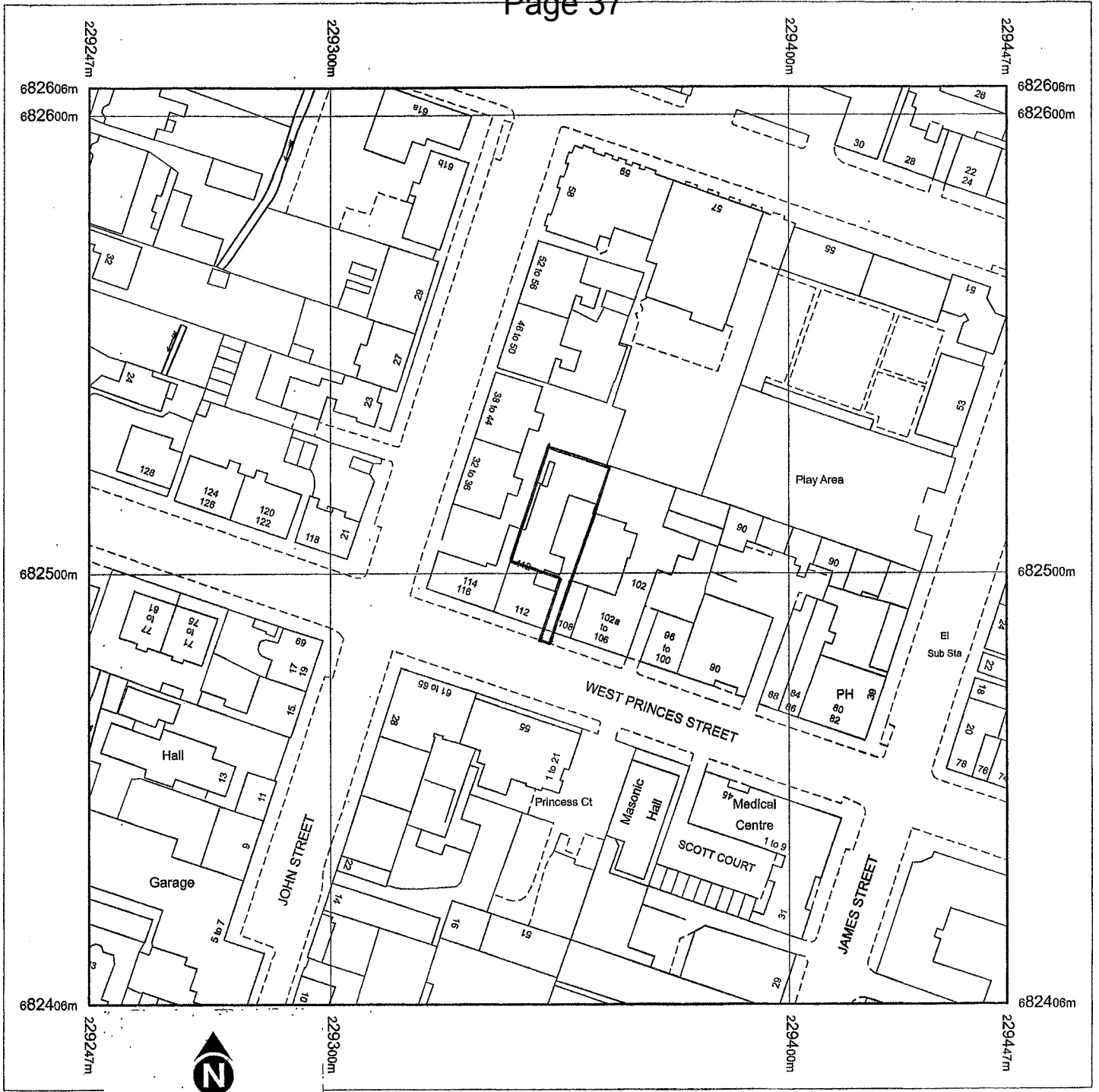
Beth Connelly
Senior Technician



SITE PLAN 1:500



SITE PLAN 1:500



LOCATION PLAN 1:1250

Proposed Change of Use

And re-development

112 West Princes Street

Helensburgh G84 8ND

Location and Site plans

September 2009

Scale 1:1250, 1:500

Drawing Number GB/A/01

Notice of Review
– Application
number
09/01417/PPP

Document No. 5

Copy of Applicant's
Supporting Report, further
Drawing No. GB/A/02, and
covering letter submitted on
17th November 2009, for
reference

17-11-2009 / GB/A/L3
Planning Department
Development Services
Argyll and Bute Council
Blairvadach
Near Helensburgh
G84 8ND

Dear Sirs,

Planning Application Reference – 09/01417/PPP

Subject;- 112 West PrincesStreet, Helensburgh, G84 8XD

Proposed re-development of commercial premises at above site :-

We confirm having requested a meeting on the 3rd November 2009 to discuss any issues arising from the Application made on the 18th September 2009.

Following your agreement, and the site meeting with your Ms. S Davies and Ms. S Glen on the 12th November, thank you for the specific comments made about your concerns. This has assisted us in addressing these points in more detail.

We also agreed that we would provide evidence of our justification of the proposals for your consideration. We therefore enclose our report on our responses to your concerns, along with a drawing showing an outline sketch option for five flats, as tabled at the meeting.

As agreed you will require a week or two following submission of this additional information to determine the Application. Although the target determination date is the 18 November 2009, the Applicant and yourselves agreed to this timescale.

As we are now into the 27th week of dialogue about these proposals including the pre-application discussions, we would appreciate some urgency on arriving at a decision. We are available at short notice to discuss any further queries or supply more additional information, to work with you to identify a solution acceptable to the Council.

Please advise if this is required to assist you with assessing the proposals.

Yours Faithfully.

Mr. J. Black
For JB DesignConsult Limited
Agent for Mr. G. Burgess, Applicant.

Encl.- Report on responses to Planning Concerns- 14/11/09, + copy drawing Number GB/A/02
c.c. Mr. G. Burgess + copy encl.

Argyll and Bute Council Planning Application - reference number 09/01417/PPP

Applicant: Mr. G. Burgess, proprietor of the existing premises

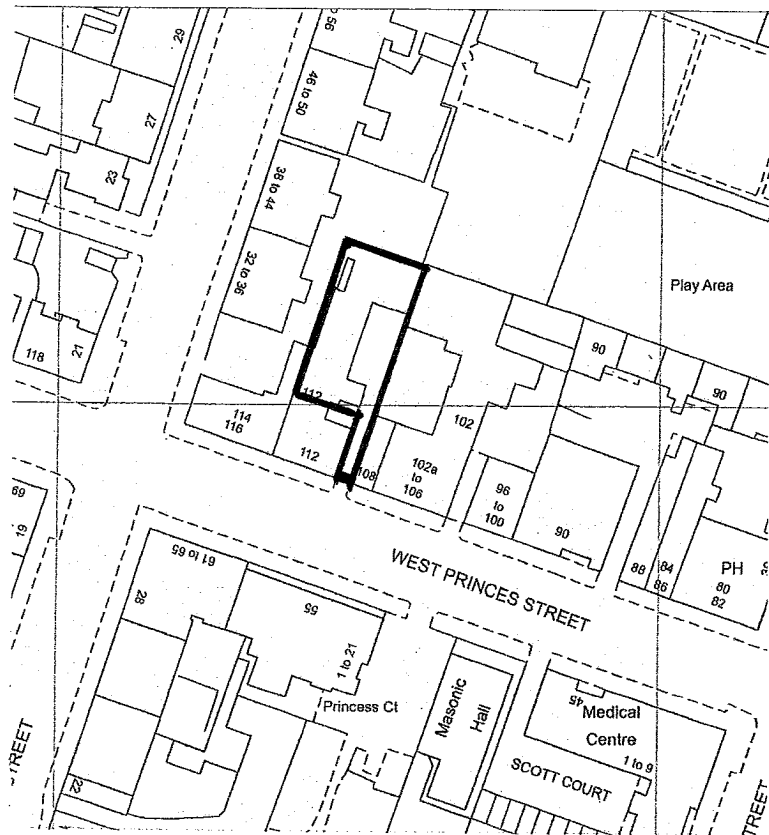
Proposal : Outline Planning Permission for the erection of 5 no. dwelling houses

Site address: 112 West Princes Street, Helensburgh G84 8XD

**Report by the Applicant in response to concerns raised by the Council
Planning Department during pre-application and post-application discussions**

Prepared by the Applicant's Agent, JB DesignConsult Ltd.

14th November 2009



Contents:

1. Reason for the Application
2. Local Plan and national Policies on which the proposals are based
3. Response to Planning Department concerns regarding 'backlands development'
4. Response to Planning Department concerns on 'overdevelopment'
5. Response to Planning Department concerns on 'overlooking'
6. Response to Planning Department concerns on 'daylighting'
7. Response to Planning Department concerns on 'amenity'
8. Statement on proposed architectural design and materials.
9. Statement on local community support, and objections.
10. Examples of housing elsewhere, supported by UK national government, which encourages innovation and novelty in the delivery of appropriate housing solutions for communities.
11. Conclusion.

1. Reason for the Application

The Applicant Mr. Gordon Burgess is the proprietor of the long established family decorating business which operates on the site. Part of the site is leased out and operates as a car repair business. Most of the out-buildings to the rear are stores which are largely redundant.

Mr. Burgess is now in his seventies, and has at times for several years sought to sell the business to enable his retirement. However, his attempts to sell it as a going concern, or for other commercial uses within the premises, have not been successful. His children live outside Scotland and have their own established careers, therefore family succession is not an option. In the current and foreseeable economic conditions it is unlikely that a purchaser can be found.

The location of the site is within the edge of the town centre boundary of the Local Plan, but is mostly surrounded by residential property. The current commercial use of the rear area does not sit well with its immediate neighbours.

In speaking to local people in the community, the Applicant identified a need for housing in this location which would provide for the specific requirements of older residents. Nationally and locally there is an increasing elderly population, who gradually become less physically able due to infirmity.

The location of this site is a short, level distance to all the town centre facilities and public transport. The site can offer a choice in accommodation not generally available locally – small, purpose designed, accessible ‘barrier free’ flats, providing an economic alternative for the elderly to live independently for longer in the centre of their community.

The scale and layout of the proposed flats and their shared / private space provision requires a comparatively low property maintenance cost, which will be welcome for prospective residents who may be ‘down-sizing’ from larger properties.

Although the Application is for approval in Principle, the detailed layout of the proposals has been developed professionally to ensure that appropriate housing of the type described can be successfully delivered should the Application be approved.

The following sections of this report describe the reasoning behind the proposals, and address the concerns raised by the Council Planning Department during the pre-application and application consideration periods to date.

2. Local Plan and national Policies on which the proposals are based

The physical characteristics of the site have been examined, and we believe following extensive research that it is capable of providing up to five one-bedroom flats based on the local community need identified by the Applicant, and will conform to the Council Planning Policy requirements.

It is recognised both at national Planning level, and stated within the local Argyll and Bute Housing Strategy, (based on projected household composition) that an increasingly ageing population will require appropriate housing to suit their specific needs. Appropriately designed housing will extend independent living time, and reduce the cost burden to the public purse of premature institutional and hospital care. The proposals in this Application will offer an intermediate alternative to local care home need, and can be designed to Housing Association funding standards, so that the flats may be developed as genuine 'affordable housing' units, making them available to those in lower income/savings brackets.

The layout and areas of the flats in the proposals have been developed sufficiently to ensure they conform to the guidance of Communities Scotland 'Housing for Varying Needs' compliance, which is nationally recognised as 'best practice' in housing design, and mandatory for Housing Association partnership. This includes in the case of the proposed four ground floor flats, barrier free access and the internal circulation requirements for wheelchair dependant people. The proposed flats are all capable of satisfying Building Control standards for the specific 'special needs' requirements within dwellings. Particularly they can accommodate storage for wheelchairs and mobility scooters.

The proposals are based on providing five one-bedroom flats within the town centre boundary of the Local Plan. In accordance with the Local Plan Policy LP TRAN 6 (page 87), zero off- street parking provision is permitted. See an extract from the Plan (page 118) below, which confirms the provision. The proposals provide an opportunity to maximise the benefit of the site attributes for the type of residential accommodation identified as a need within the local community.

As discussed and agreed with the Planning Department, the Council cannot control prospective purchasers of the flats to be elderly and possibly infirm. Therefore there is a legitimate concern over younger couples with cars occupying the flats and putting pressure on street parking capacity in this location. However we believe the location and type of single bedroom accommodation provided is unlikely to be attractive to young active couples, particularly if they have, or may be planning to have a young family. The exception may be younger lower income, single person / couples seeking a first foot on the housing ladder. We believe they are less likely to own a car, and may be attracted to the easy accessibility of the town centre for work, public transport to get to work elsewhere, or they may use bicycles for personal transport. This is particularly relevant for the flat at first floor level, but should the lower than average property cost of the proposed flats assist such a young person / couple to take a first step in house ownership, before selling to move to a larger home, this is another potential community choice benefit of the proposals.

The scale of the proposed dwellings and their terraced design produces a very economic construction cost. This, along with associated low energy running costs, complies with national government, and local council targets to meet required reductions in the carbon footprint of new development, and to achieve long term sustainability objectives. The positive discrimination in the proposals against car park provision assists with energy reduction targets, in line with Council policy.

Policy LP TRAN 5

Off site highway improvements

Where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads, then developments will be required to contribute proportionately to improvements to an agreed section of the public or private road network.

Justification

It can be appropriate in some circumstances to require a development to contribute to improvements to the public road approaching a development site. These circumstances include:

- When in the judgement of the Planning and Roads Authority that the development because of its projected traffic generation, is likely to result in unacceptable road safety conditions, and this will consequently place an unreasonable burden on the Roads Authority to improve a significantly substandard road.
- The improvements to the public or private road should be practical and proportionate to the nature and scale of development proposed; account should be taken of existing traffic usage of the road and its overall condition; the principle of continuous improvement should be applied whereby the road condition will have been improved after the development has taken place, notwithstanding the increased traffic.
- Where public or private road improvements are considered necessary for a development to proceed, and these involve private land a Section 75 Planning Agreement may be appropriate before planning consent is issued.

This Policy conforms to:

- SPP 17 (Planning for Transport).
- Structure and Local Plan Economic and Social Objectives SI 1 - a), b) and c).
- Structure Plan Policy PROP TRANS 1.

Policy LP TRAN 6

Vehicle Parking Provision

Off-street car and vehicle parking shall be provided for development on the following basis:

Car parking standards

- (A) The car parking standards (including disabled parking) set out in Appendix C shall be applied to those specified categories of development.

Tolerance of zero parking provision

- (B) In the main town centres including the core shopping areas, zero parking provision for **Special Needs Housing and small-scale* flatted development;** retail (up to 500m² floorspace); Restaurants (use class 3); hot food takeaways; public houses; business (use class 4)(up to 600m² floor space) will be permitted.

*Up to 5 units

Deleted: 500

Justification

SPP 17 (Planning for Transport) recommends the use of national maximum parking standards for new developments, these national maximum car parking standards relate only to limited categories and scales of development e.g. retail development (food) and (non-food) of 1000m² and over. They do not apply to housing development. It is accepted that these national maximum car parking standards can operate in Argyll and Bute without resulting in unacceptable off-site parking consequences. Accordingly, these national standards form the basis of development in policy LP TRAN 6 and Appendix C.

The next question to address is whether minimum car parking standards should apply in the context of the Argyll and Bute particularly for those developments that are subject to National maximum standards. Given the essentially rural nature of Argyll and Bute and the correspondingly higher levels of dependency on car ownership it is considered appropriate to have minimum standards for the majority of new developments. These minimum standards do not exceed the National maximum standards and also form the basis of development in policy LP TRAN 6 and its accompanying Appendix C.

ZERO PARKING PROVISIONS IN TOWN CENTRES INCLUDING CORE SHOPPING AREAS	
The limited categories of development that will not be expected to provide off-street car parking on development sites in identified town centre zones (including Core Shopping Areas) are set out below :	
Retail (Use Class 1)	Small and Medium scale (up to 1000m ² gross floor space)
Restaurants (Use Class 3) Hot Food Takeaway and Public Houses	Any scale
Other Leisure Facilities (Use Class 11)	Small scale (500m ² gross floorspace)
Special Needs Housing (Use Class 9)	Any scale (disabled car parking may however be required)
Flatted Dwellings (for single bed room)	Small scale (up to five dwelling units)
Business (Use Class 4)	Small and Medium scale (buildings up to 600m ² footprint and gross site area up to 2 Ha.)

Deleted: person occupation

3. Response to Planning Department concerns regarding 'backlands development'

The Council Local Plan (pages 106 – 107 , see copy extracts following this section) specifies the relevant policy for this type of development. The proposals can certainly be described as 'backlands development', but this is not necessarily a negative issue, as the Local Plan also states.

We believe the proposals accord with the spirit of Council policy (paragraph 11.2 on page 107 – Local Plan) in this type of development with regard to providing additional housing within (predominantly in our opinion) residential areas and make good use of neglected and unused (under-used and redundant in this case) vacant land.

The policy further states that this type of development needs to take account of the existing settlement character and the area's historical development. This is justified in section 8 of this report.

Also there is a requirement to maintain the privacy and amenity of the original property (we interpret this to include neighbours). Compliance with these conditions is justified under sections 5 and 7 respectively in this report.

Historical precedent for residential 'backlands development' exists in many parts of Helensburgh. We recognise that some of these are not necessarily well located or designed. There are three examples located within only 30 - 70 metres of the site boundary. The sites are shown on the following maps with relevant photographs for reference.

These all vary in dates of construction, and some do not attain current standards of design quality, but appear to be popular and successful in the long term. This may be because the property values are lower comparatively than street facing housing. However this offers lower income purchasers a more affordable option in the local housing market. Similarly the Application proposals will offer this economic benefit to satisfy what we believe to be an established need in the local community.

In view of the apparent 100% occupancy levels in these historical residential 'backlands' developments, we believe there is a proven long-term sustainability of this type of housing, particularly in the immediate location of the Application site, therefore justifying the 'backlands' layout of the Application proposals .

The quality of design and materials in the proposals will meet the high standards demanded by both the Council and an increasingly discerning public, and these are referred to in Section 8.

Back-land Development

11.1 Back-land development can be defined as new development behind a row or group of existing buildings. Access to such development is normally gained via a separate road from that serving the existing buildings, although joint accesses are sometimes possible.

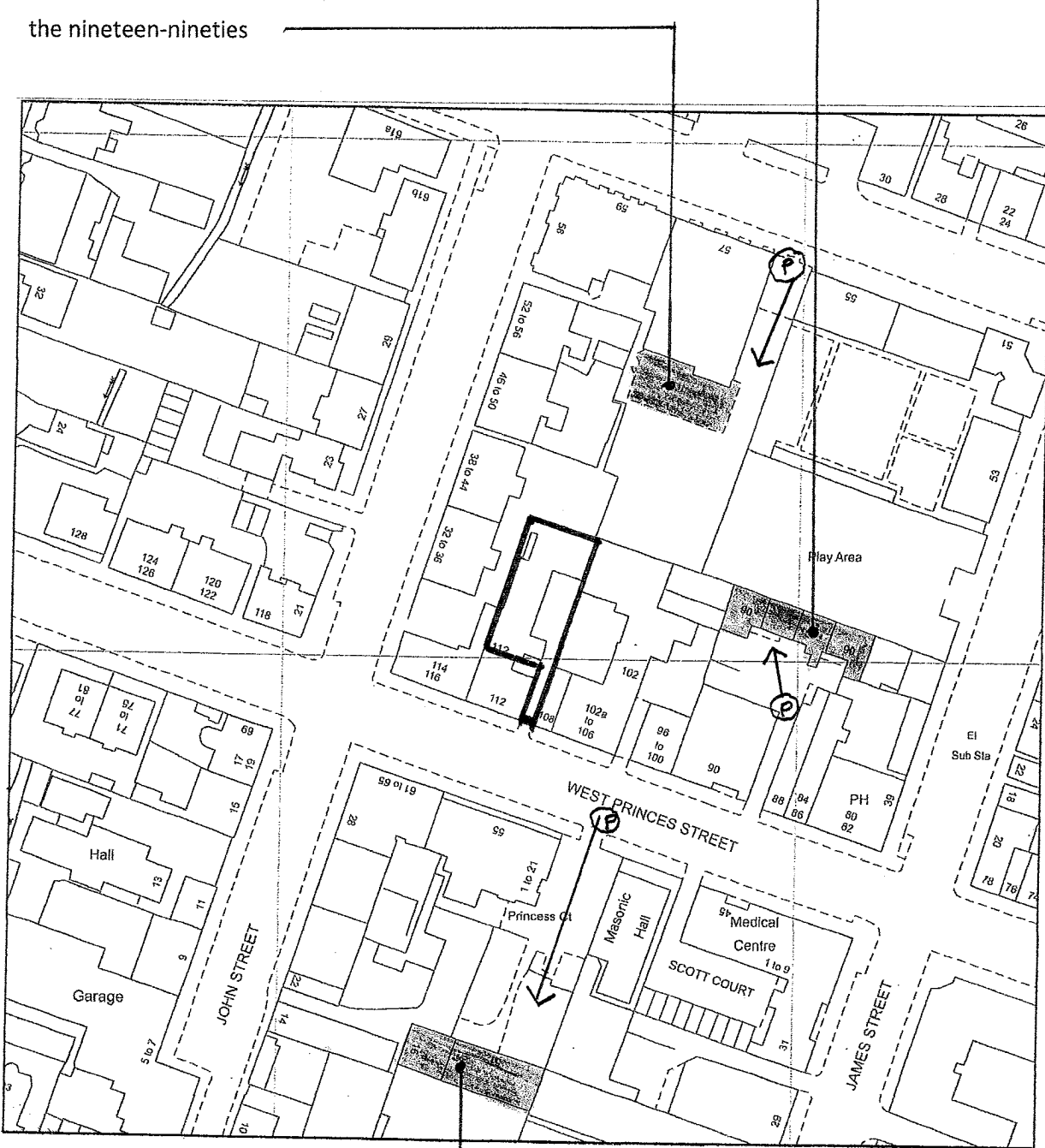
11.2 Back-land development can provide additional housing within existing residential areas and make good use of neglected and/or unused vacant land. However, such development needs to take account of the existing settlement character and the area's historical development. It requires to be designed to maintain the privacy and amenity of the original property and allow for an appropriate and safe vehicular and pedestrian access.

11.3 Planning applications for back-land sites should include details that clearly indicate the siting, aspect and height of the building, the proposed and existing accesses, and a clear, scale plan of all adjacent roads and footpaths.

Plan showing existing and historical Backlands development of housing within 30-70 metres of the Application site:

Two-storey flats over ground floor parking
behind the Library, dating from
the nineteen-nineties

Two-storey housing dating from
early – mid nineteenth century



Three -storey flats
dating from mid- late nineteenth century

(see next page for Photographs) (P)

Photographs of existing and historical Backlands development of housing within 30-70 metres of the Application site:

Two-storey flats over ground floor parking behind the Library, dating from the nineteen-nineties

Two-storey housing dating from early – mid nineteenth century ↓



Three -storey flats

dating from mid- late nineteenth century



4. Response to Planning Department concerns regarding 'over-development'

This apparent criticism has recently been expressed regarding the proposals. We assume this is based on a view that the density of accommodation is higher than acceptable under Planning considerations for the area of site. Although it is necessary to maximise the development to make it viable, we believe the proposals do not represent overdevelopment of the site.

The area of the Application site is 415 m². The area of accommodation is 324 m². **The Plot Ratio* is therefore 0.78.** In addition, the area of open space on the site is 163 m², representing 39 % of the site area, split between the communal shared space and private patio gardens.

We have made a comparison between the Plot Ratio (PR) of the Application proposals, with three new residential developments of flats located in Helensburgh. These were recently approved by Argyll and Bute Council. Photographs of the examples can be seen below.

- 14 East King Street – site area 450 m² ; accommodation area – 400 m²; **PR = 0.89**

This property has no open amenity space – 100 % of open area is given over to tarmac for car circulation and parking.

- Honeysuckle Court, East King Street – site area 620 m²; accommodation area – 552 m²; **PR = 0.89**

Approximately 70% of the open area of the site is given over to tarmac for car circulation and parking.

- 37 East Princes Street – site area 1,200 m²; area of accommodation – 1,300 m²; **PR = 1.08**

Approximately 70% of the open area of the site is given over to tarmac for car circulation and parking.

Therefore in comparison to these Council approved new flat developments, the Application proposals are significantly less densely developed, and offer 100% of the open area for resident's amenity. Additionally, these examples are situated out-with the town centre, where densities would be expected to be less than town centre based development.

Therefore in conclusion we do not believe the Application proposals by this measure of density, are overdeveloped.

(Note: The areas stated for the three examples are approximate, having been established from the A&B Council online property searches. However they have been professionally interpreted and are believed to be about +or- 5% accurate)

(* Plot Ratio is assumed to be a measure of the developed area of total accommodation on a site, divided by the site area, to arrive at a figure representing density. The higher the figure, the higher the density of development of the site)



- 14 East King Street



- Honeysuckle Court, East King Street



- 37 East Princes Street

5. Response to Planning Department concerns regarding 'overlooking'

This has been stated as a verbal concern. We interpret this as the issue of privacy between windows. In developing the proposals we have referred to a standard accepted by most Planning authorities, copy attached, which is based on previous Building Control guidance.

See a copy of the site layout below, which demonstrates compliance with the angle of new windows facing existing neighbours, and the distances of separation according to the tables.

The single storey flats are at right angles to the rear windows of the tenements at No.s 102a -106 and 108 west Princes Street. The minimum 2 metres requirement is exceeded in all cases.

The two storey flats facing the windows of the above addresses are 18 metres separation, which is the minimum standard distance required for apartment to facing apartment, and complies with the Local Plan requirements under Para. 13.3, page 107, under 'overlooking'.

The neighbouring windows of the existing flats facing the rear, above the shop on the street at 112 West Princes Street, are not habitable rooms, so the minimum requirement under the above Local Plan policy, of 12 metres to new apartment windows easily complies.

Therefore we believe that 'overlooking' concerns can be satisfied with this evidence.

Overlooking

13.1 Privacy in the home is something that everyone has a right to expect, and in order to protect this basic right, new development needs to be carefully sited and designed. The use of windows that are taller than they are wide can greatly reduce problems of overlooking, particularly in built-up areas or where the road or footpath is close to the house.

13.2 The following standards have been successfully applied by the Council for many years and it is intended that their use will continue.

13.3 No main window of a habitable room (i.e. all rooms except bathrooms and hallways) within a dwelling shall overlook (directly facing) the main windows of habitable rooms in neighbouring dwellings at a distance of less than 18 metres* Plans submitted with planning applications will be required to show the location of all adjoining properties and the exact position of their main windows. A distance of 12 meters is required between habitable room windows and gable ends or elevations with only non-habitable room windows. These standards may be relaxed where the angle of view or the design (i.e. use of frosted glass) of the windows allows privacy to be maintained. In some cases a condition may be attached to a planning consent withdrawing permitted development rights to insert new window openings.

*This may not be possible in densely built areas or 'courtyard-type' schemes.

Daylight and Intervisibility of Windows

INTRODUCTION

1. In the exercise of its development quality functions the Council will seek to ensure that good standards of daylighting and privacy are established and maintained in and around residential development.

GUIDANCE

2. In consideration of planning applications:-
 - a) the Council will carefully examine the implications of development proposals to ensure that a reasonable measure of daylight reaches the windows of residential properties and that appropriate light levels are available in garden areas; and
 - b) the proposed development should conform generally to the guidelines for intervisibility of windows between adjacent residential properties, as shown in the table below and illustrated overleaf. Each set of circumstances will be looked at individually to assess the fitness of the relevant guideline distance, which may be reduced or increased as deemed necessary by the Council.

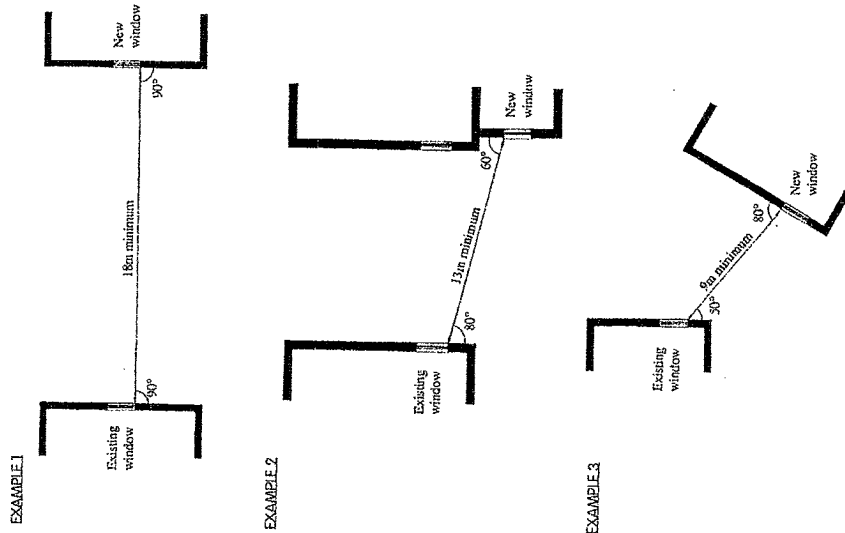
MINIMUM DISTANCE GUIDELINES (IN METRES) BETWEEN WINDOW OPENINGS

Angle at window of any other house not more than :-		Angle at window of house/extension etc. to be erected not more than:-													
		90°	80°	70°	60°	50°	40°	30°	20°	10°	0°				
90°	18	18	18	13	9	6	4	3	2	-	-	-	-	-	-
80°	18	18	18	13	9	6	4	3	2	-	-	-	-	-	-
70°	18	18	13	9	6	4	3	2	-	-	-	-	-	-	-
60°	18	13	9	6	4	3	2	-	-	-	-	-	-	-	-
50°	13	9	6	4	3	2	-	-	-	-	-	-	-	-	-
40°	9	6	4	3	2	-	-	-	-	-	-	-	-	-	-
30°	6	4	3	2	-	-	-	-	-	-	-	-	-	-	-
20°	4	3	2	-	-	-	-	-	-	-	-	-	-	-	-
10°	3	2	-	-	-	-	-	-	-	-	-	-	-	-	-
0°	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-

NOTES

- 'Angle' means the horizontal angle included between:
- a) the shortest line joining any part of one window opening to any part of the other; and
 - b) the vertical plane of the opening of the window.
- N.B. The guideline distances are identical to those formerly contained in Building Regulations.

Figure 5
Examples of Minimum Window to Window Distances



3. The Council will also have regard to the Building Research Establishment Report 'Site layout planning for daylight and sunlight - A guide to good practice 1991'.

6. Response to Planning Department concerns regarding 'daylighting'

This issue has been raised due to the height of the existing buildings surrounding the site, and the effects of daylighting by any proposed development on existing neighbouring dwellings.

In developing the proposals we have referred to the guidance in the British Research Establishment (BRE) document 'Site Layout Planning for Sunlight and Daylight'. This published standard is also referred to in the Local Plan on page 107 under 'Developments affecting Daylight to Neighbouring Properties'.

The physical form of the proposals is virtually identical to the form of the existing commercial premises on the site. There is a single storey element of three flats in place of the shop stores, and a two storey element at the rear of the site in place of the two storey height shed. Therefore the proposals do not alter the existing daylight and sunlight effects on neighbouring properties.

In addition, the drawings below demonstrate that the neighbouring properties requirement for daylight, comply with the BRE standard referred to above, and are unaffected by the proposals.

The drawings also demonstrate that the windows of the proposed new flats comply with the daylight requirements in the Standard.

With regard to sunlight availability to the new flats, the three single storey flat apartments face east/southeast over an open rear garden behind No.s 102a-106 West Princes Street. They will obtain several hours of sunshine during the morning, and in the evening the sun penetrates the site from the West over the open garden area behind No.s 114-116 West Princes Street for 2-3 hours daily. The apartment windows of the two-storey flats face almost directly south, and are at a sufficient distance from the higher buildings on West Princes Street to obtain most hours of available sunshine daily from morning till evening.

This level of sunlight into the Application site is likely to be at a higher level than many existing flats facing north in Helensburgh, and including the single aspect flats in the Princes Court development directly opposite the site.

Therefore we believe that the Application proposals satisfy required 'daylighting', and 'sunlight' requirements.

EXISTING BUILDINGS

In designing a new development or extension to a building, it is important to safeguard the daylight to nearby buildings. A similar procedure can show whether an existing building still receives enough skylight. First, draw a section perpendicular to each affected main window wall of the existing building (Figure 2). If none of the new development subtends an angle to the horizontal (measured from the centre of the lowest window) greater than 25°, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building.

If, for any part of the new development, this angle is more than 25°, a more detailed check is needed to find the loss of skylight to the existing building. Both the total amount of skylight and its distribution within the building are important.

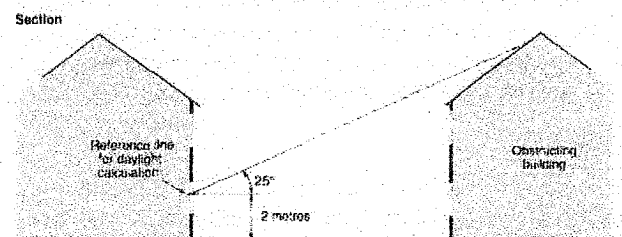
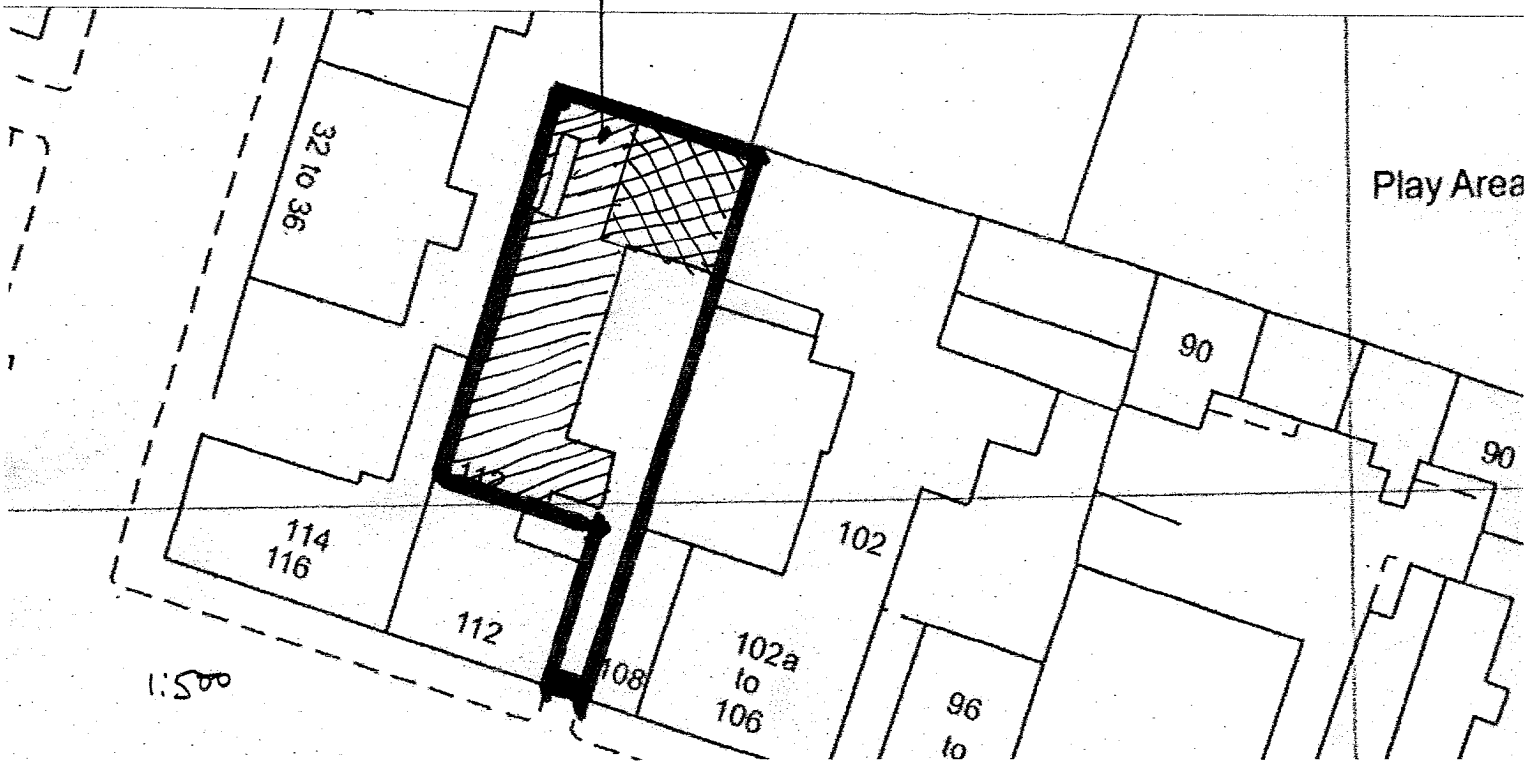


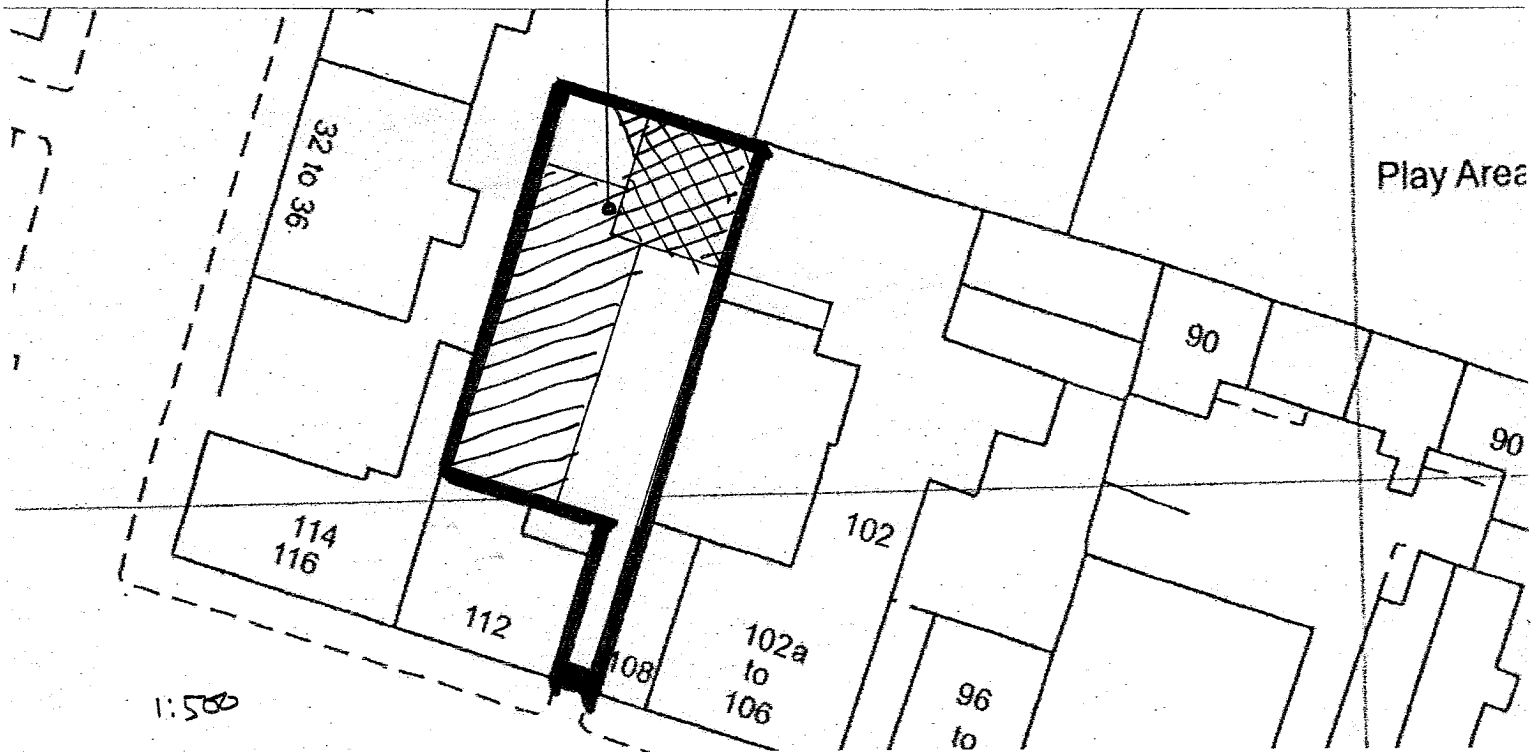
Figure 2 Angular criterion for spacing of buildings. For existing buildings the reference height is in the middle of the lowest window



BRE guidance

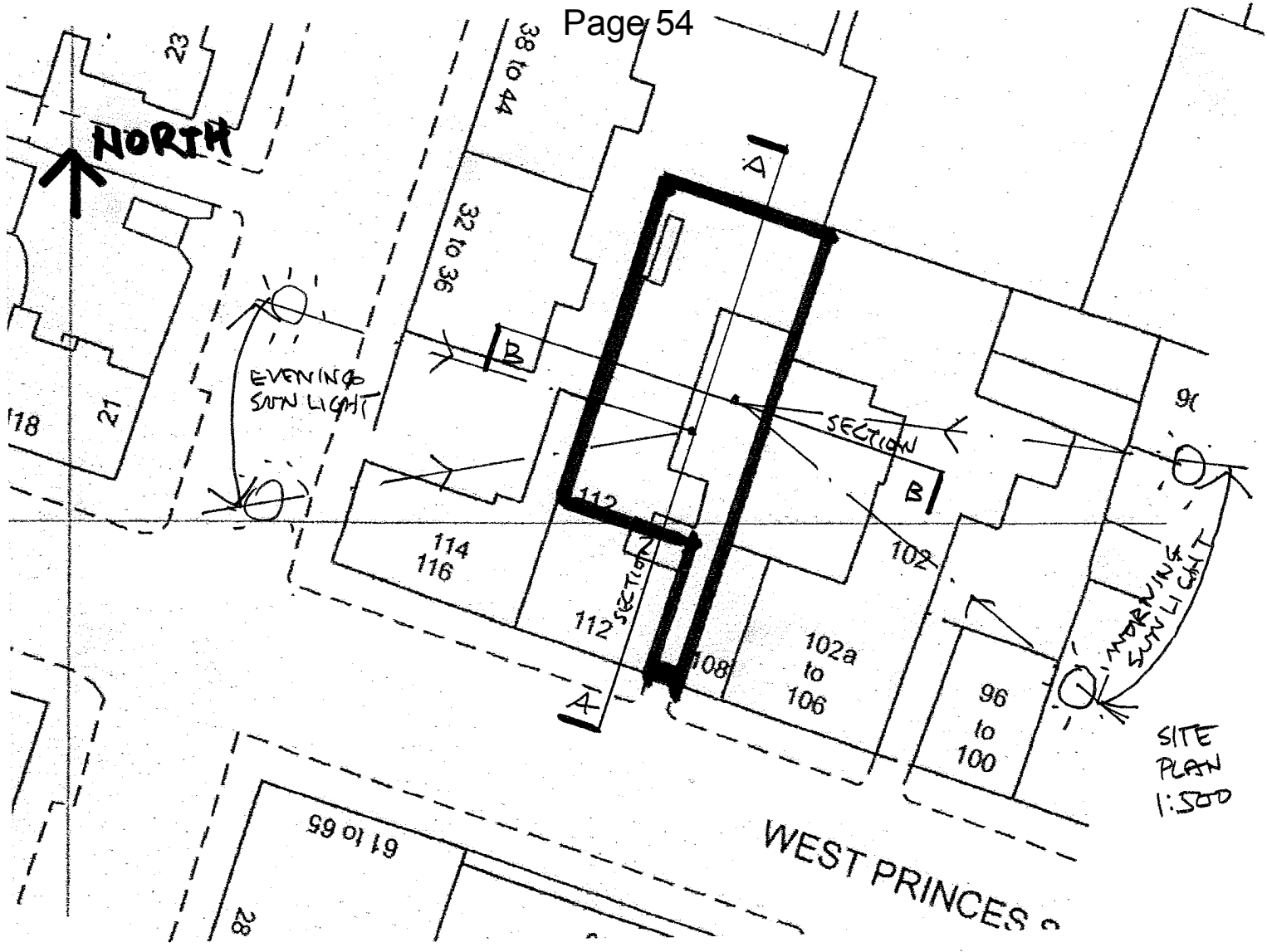
Existing Built form of commercial premises on the site



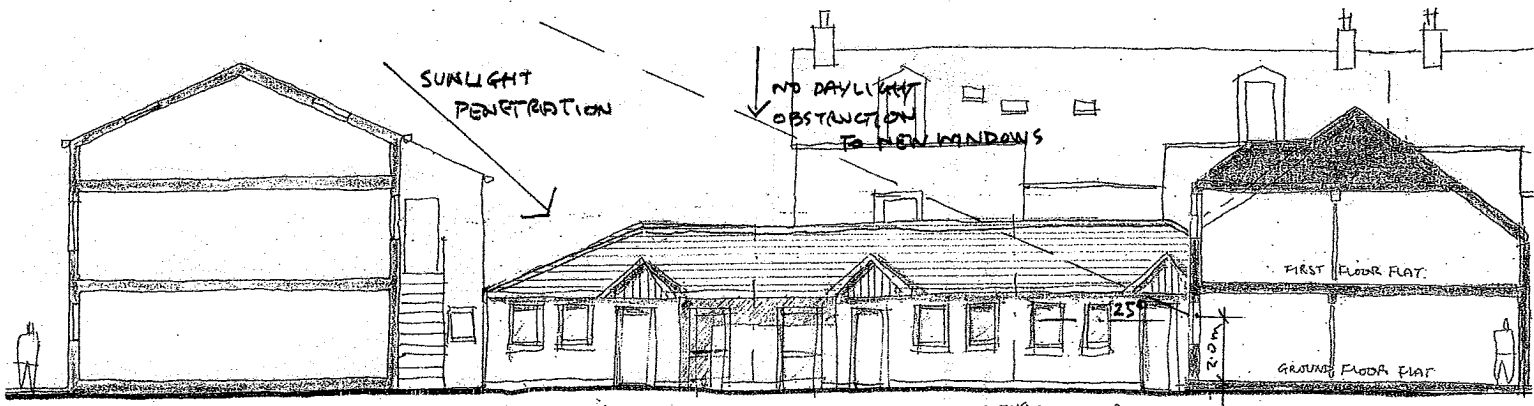
Proposed built form of the flats on site



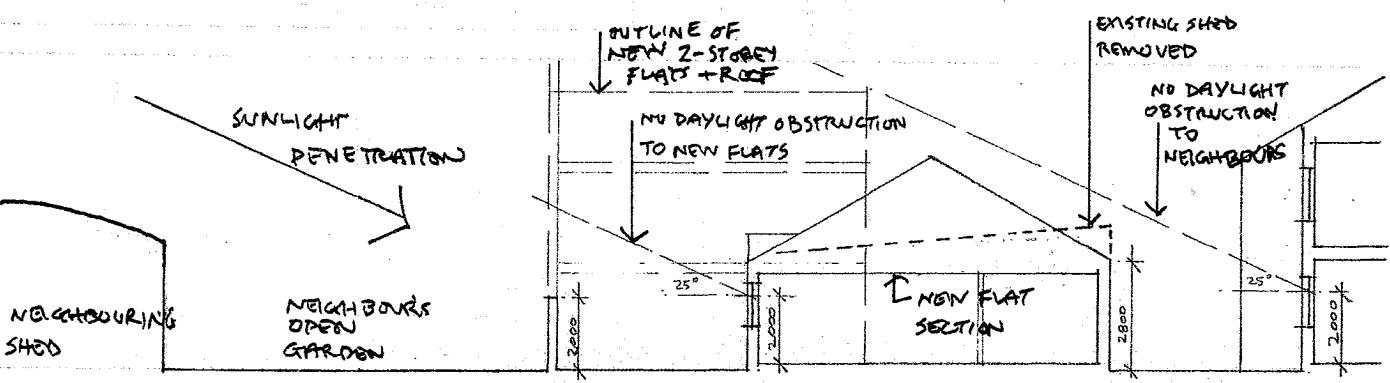
Key :  single storey height  two storey height



SITE PLAN 1:500



SECTION THROUGH SITE A-A
1:200
FROM DWG. GB/A/02



DWG GB/A/03
SECTION B-B
1:200

7. Response to Planning Department concerns regarding 'amenity'

Concerns were naturally raised regarding the amenity for the occupants of the new flats, mainly due to the proximity of taller buildings surrounding the site, and the existence of commercial sheds adjacent to the site at the rear of No. 102 West Princes Street.

There is also an issue regarding any change to the amenity of existing neighbouring properties around the site caused by the proposals.

Firstly, addressing the amenity of existing neighbours, the Application proposals immediately improve the visual amenity of the numerous properties which have an aerial view of the development. See the 'before and after' view photomontages below, to visualise that the existing eyesore of dilapidated commercial sheds will be replaced by a new, attractive courtyard development with good quality materials, designed sympathetically in relation to the historical character of the surrounding built environment.

Also, the environmental amenity of neighbouring properties during working hours will improve, because the current noise created by the existing commercial / vehicular activities will be removed from the site. And as discussed within previous sections of this report, the amenity value of daylight and sunlight for neighbours will be unaffected, and the required privacy standards will be satisfied.

Secondly, the amenity of the new properties has to be considered. In terms of site openness there are certainly higher buildings surrounding the new dwellings, and views and outlook are limited. The site layout mitigates against this problem by locating the new apartment windows to afford the best aspect possible.

The three single storey flats face west/south west directly over an open back garden, with upper views of sky and daylight above the 2 metre boundary wall. Lower views are of the landscaped courtyard with planting growing against the wall. The two flats to the north face south with views of the rear of the street properties. However there are gap views south and West to the street, and upper sky views and daylight over neighbouring roofscape, which is at least 18 metres distance.

All flats have a direct view into the high quality, communal landscaped courtyard. This is available as a semi-private community resource for residents to sit out in good weather, encouraging a community spirit in this housing group. Although mainstream housing has a higher degree of open space and outlook, the targeted residents for these specifically designed one-bedroom flats are not likely to place such a high value on these aspects. In addition the issues of daylight, sunlight and privacy have been demonstrated as satisfactory in previous sections.

Concerns were expressed about the unpleasant view of the commercial sheds situated directly to the East, within the rear of No. 102 West Princes Street. The design takes account of this, and there is no direct facing view of the sheds from any apartment window. There are partial views from the three single storey flats, but all flats have a substantially less direct view of the sheds in comparison with several existing flats on the street. See drawing numbers GB/A/02 and 03 on the previous page for demonstration of the above comments. We believe therefore that, on balance, the 'amenity' appropriate for this type of courtyard development is satisfactory.



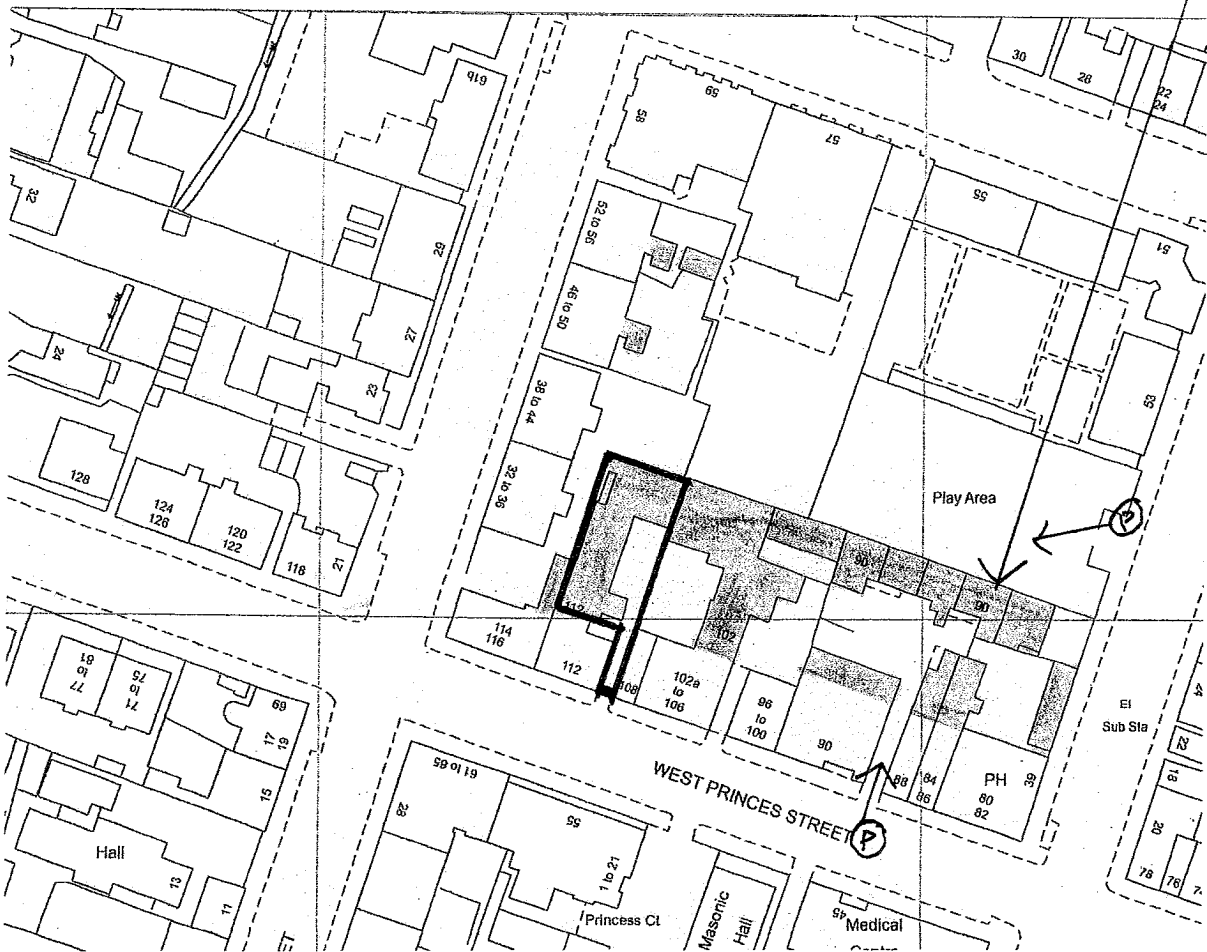
Same view following demolition and building the proposed flats

8. Architectural design and materials proposed

The Local Plan requires this type of backlands development to take account of the existing settlement character, and the area's historical development. We have referred in Section 3 to the historical nature of backlands development in the immediate neighbourhood, as precedent for the Application proposals.

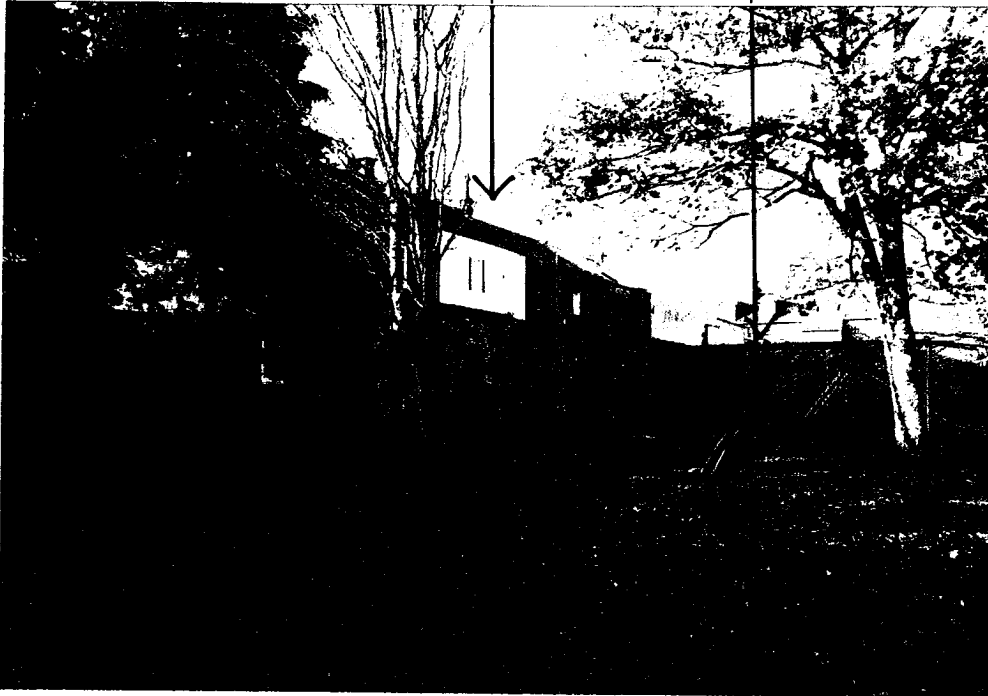
The proposals have been designed to knit into the historical urban fabric of the area. The maps and photographs below demonstrate that the plan layout of the proposals repeats an historical established form of site development, with buildings including houses built in a linear form along the rear of the plots. Properties have been extended into the plots from the street frontage buildings. Therefore the proposals simply emulate this historical pattern of development, ensuring a similarity to existing urban form.

The architectural design relates to the surrounding mix of traditional properties, with proposed similar sloped roofs, dormer windows, render/stonework, and windows with similar and traditional proportions to those in the neighbourhood. There will be high quality paviers to form the courtyard surface, and high quality planting, with sustainable timber screens to the bins. See the previous aerial photomontage for the scale and character of the architectural design proposed.



View of historical linear pattern of development including housing, along the rear of the properties facing West Princes Street

Existing Commercial shed on the Application site



View from West Princes Street into these rear properties

(see previous page for photograph locations)

9. Statement on local community support and objections

The Applicant has received supportive feedback from neighbours notified. Several have visited the shop and have viewed drawing No. GB/A/01, and are supportive of this type of development. One has written a letter to the Council expressing their support. The Community Council have looked at this Application and their Secretary has reported to the Applicant that they fully support this proposal, and confirm there is a need for this type of housing in this community.

We have identified only one letter of objection on the Council online Application file (this appears twice – one as a letter, and the same objection as an email) despite over 50 neighbour notifications being issued. This single objection covers a wide range of issues, and we believe most of these concerns are demonstrated as satisfied within this report.

10. Examples of housing elsewhere, supported by national government which encourages innovation and quality

Both UK National government and local councils encourage innovation and high quality in finding housing solutions for community need.

We believe having identified a community housing need, that we have been innovative in creating a satisfactory solution to meeting this need. Two recent examples of housing in Harlow and Cambridge which have won Awards, are unusual in providing housing in which high density courtyard forms, with homes in close proximity, are acceptable through good design which respects amenity. These examples do not comply with current overlooking and privacy distances, but have been approved and are popular with occupants. Their architecture and materials are appropriate to their location. The UK national government at Minister level, and the Commission for Architecture and the Built Environment have encouraged all Councils in the UK to follow these examples.

The Application proposals represent such courtyard designs, with close proximity to other dwellings, but complying with the Regulations as explained in this report.



Newhall, Harlow

Accordia, Cambridge

11. Conclusion

We believe the Application proposals, despite being at 'in Principle' stage, have been sufficiently thought through and developed in detail to ensure they can be built to acceptable standards if approved.

One of the problems associated with this site is that on viewing it there is a clutter of dilapidated commercial buildings of differing ages and construction. There is a difficulty in visualising the potential quality of built development. We believe the images provided in this report will go some way to assist people to see the potential.

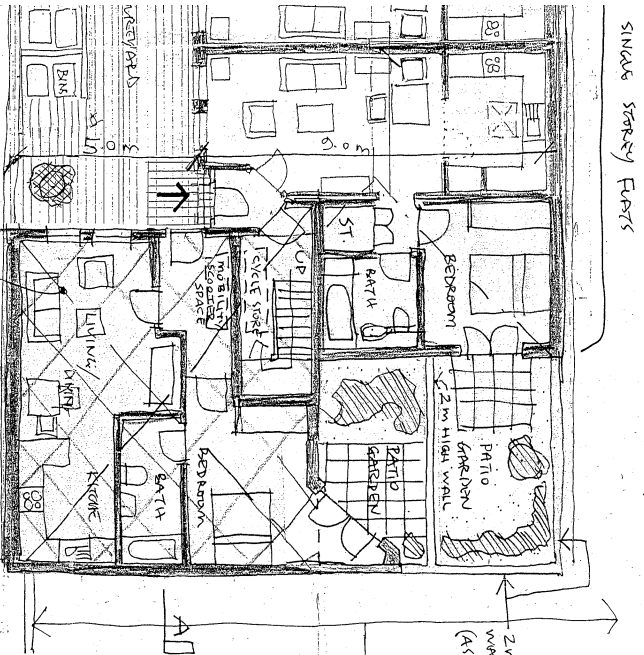
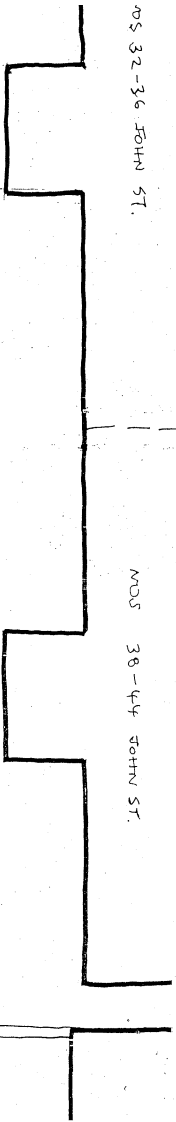
The Applicant is keen to work with the Council Planning Department to achieve an acceptable solution on this site to satisfy the community need identified.

We would welcome your further views/ comments to achieve a solution as soon as possible.

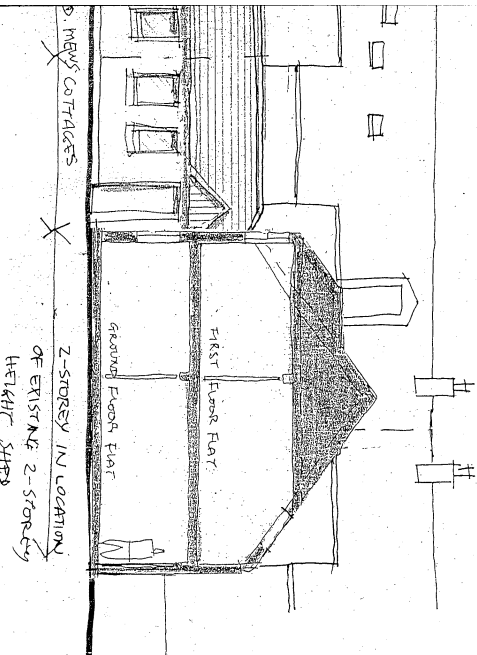
Report prepared by J.Black BSc. Dipl. Arch(Distinction) Dipl. Urban Design SAI Registered Architect

For JB DesignConsult Limited.

Agent for the Applicant.



2 STOREY IN LOCATION OF EXISTING 2-STOREY BATH WITH 2ND. FLATS



LOCATION PLAN 1:1250

Proposed Change of Use

112 West Princes Street

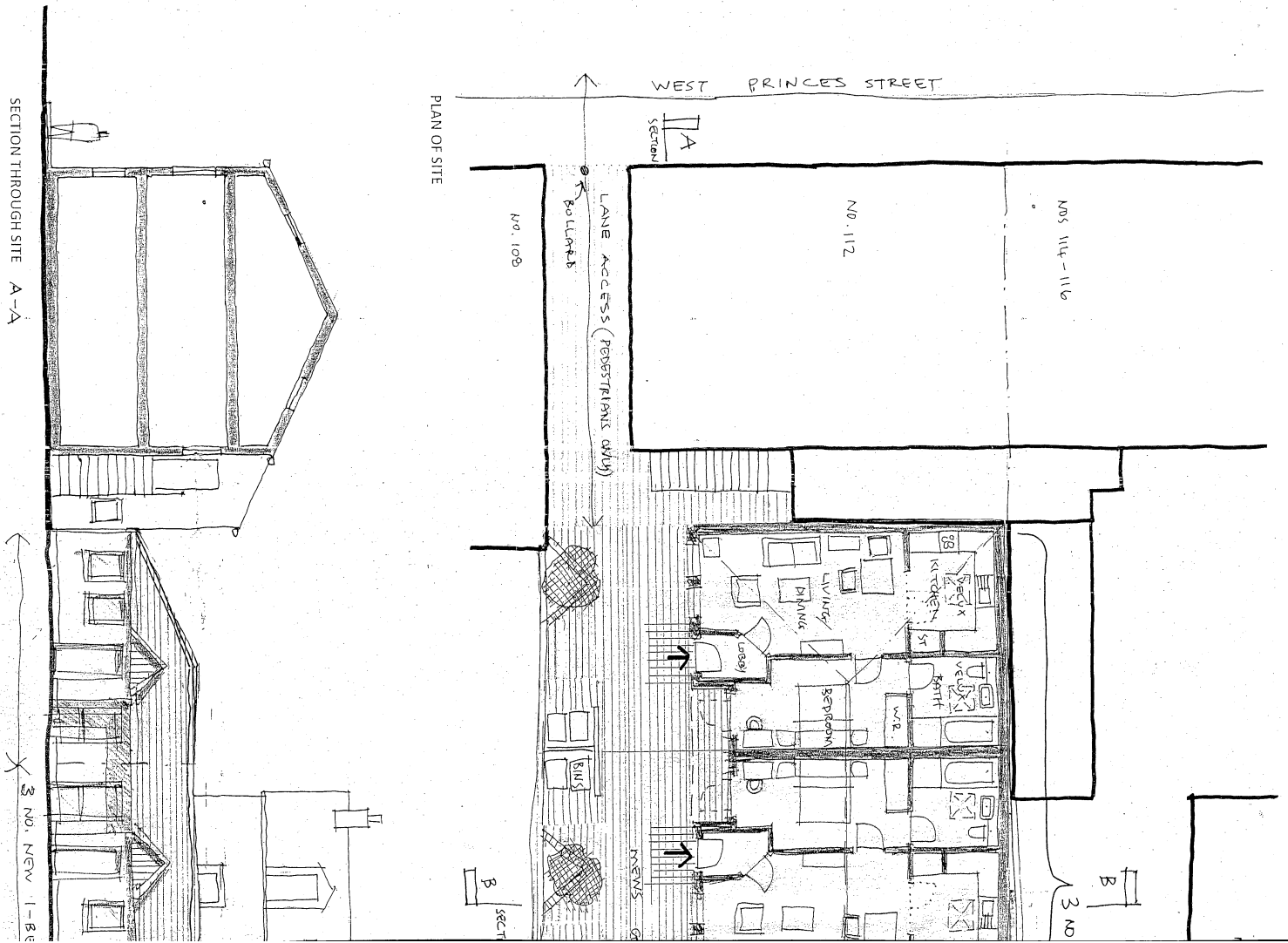
Helensburgh G84 8ND

Outline Plan and Section

Option 3 - 5 No. Flats

Drawing Number GB/A/02

September 2009 Scale 1:100



Notice of Review
– Application
number
09/01417/PPP

Document No. 6

Copy of Planning Services
Refusal of Planning
Permission in Principle dated
18th February 2010, for
reference



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 09/01417/PPP

Mr G Burgess
JB Design Consult Limited
10 Kenilworth Avenue
Helensburgh
G84 7JR

I refer to your application dated 18th September 2009 for planning permission in principle under the above mentioned Act and Regulations in respect of the following development:

Outline Planning Permission for the erection of 5no dwellinghouses, at 112 West Princes Street Helensburgh Argyll And Bute G84 8XD

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission in principle for the above development for the **reason(s) contained in the attached appendix.**

Dated: 18 February 2010

Angus J. Gilmour
Head of Planning

www.argyll-bute.gov.uk



REASONS FOR REUSAL RELATIVE TO APPLICATION NUMBER 09/01417/PPP

1. The application site is located in a backland plot in the rear court area of properties fronting onto West Princes Street. It has traditionally been used as part of a painter and decorators and for the repair of motor vehicles. The site is constrained, overlooked and dominated by adjoining flatted properties particularly those to the west fronting onto John Street. The site extends to 415 square metres, 25 metres of which comprises the access. The proposal is for a terrace of three single storey dwellings together with a 2 storey block of 2 flats. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring 4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 60% of the individual plots. The flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined. The proposal is therefore contrary to Policies LP ENV1, LP ENV19 and Appendix A of the Argyll and Bute Local Plan which, inter alia, presume against development with poor quality or inappropriate layouts or densities including over-development and overshadowing of sites.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 17/09/2009 and the refused drawing reference numbers GB/A/01 and GB/A/02.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 09/01417/PPP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of review should be addressed to the Director of Corporate Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 09/01417/PPP

- (A)** Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

Yes

If Yes: Enter a description of the "non" material changes.

Further information was submitted in the form of a supporting statement and indicative plans.

- (B)** The reason why planning permission has been refused.

1. The application site is located in a backland plot in the rear court area of properties fronting onto West Princes Street. It has traditionally been used as part of a painter and decorators and for the repair of motor vehicles. The site is constrained, overlooked and dominated by adjoining flatted properties particularly those to the west fronting onto John Street. The site extends to 415 square metres, 25 metres of which comprises the access. The proposal is for a terrace of three single storey dwellings together with a 2 storey block of 2 flats. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring 4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 60% of the individual plots. The flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined. The proposal is therefore contrary to Policies LP ENV1, LP ENV19 and Appendix A of the Argyll and Bute Local Plan which, inter alia, presumes against development with poor quality or inappropriate layouts or densities including over-development and overshadowing of sites.

Notice of Review
– Application
number
09/01417/PPP

Document No. 7

Copy of Development Services
Delegated Planning
Application Report and Report
of handling, for reference.

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 09/01417/PPP

Planning Hierarchy: Local Application

Applicant: Mr G Burgess

Proposal: Planning Permission in Principle for the erection of 5no dwellinghouses.

Site Address: 112 West Princes Street Helensburgh Argyll and Bute G84 8XD

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

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

- Erection of 5 dwellings

(ii) **Other specified operations**

- Connection to existing public water supply
- Connection to existing public sewer

(B) RECOMMENDATION:

It is recommended that planning permission be refused due to the reasons detailed overleaf.

(C) HISTORY:

09/01472/PP - Change of Use of ground floor shop (Class 1) to 1no. flat (Class 9) – permitted 07/12/2009

(D) CONSULTATIONS:

Roads Helensburgh & Lomond 12.10.2009 Recommend refusal

Environmental Health 15.10.2009 No objections subject to conditions

(E) PUBLICITY: None

(F) REPRESENTATIONS:

Two letters of objection have been received as has one letter of support.

B and P McCallan 102A West Princes Street Helensburgh G84 8XD (SUPPORT)

Frank Rooney And Lucy Thompson Flat 3/1, 104 West Princes Street Helensburgh G84 8XD
(email and letter dated 08/10/2209) (OBJECTION)

(i) Summary of issues raised in objection

The plans lack the necessary information and detail.

Comment: This is an application for planning permission in principle. Further plans are not required at this stage.

The plot does not seem adequate for the proposed building.

Comment: See my assessment.

There is the potential of motor vehicles for 5 new houses. Where will they park?

Comment: The Area Roads Manager has recommended refusal. See my assessment.

The existing vehicular access has bad visibility and is dangerous.

Comment: The Area Roads Manager has recommended refusal. See my assessment.

It is difficult for emergency vehicles to enter the site.

Comment: The Area Roads Manager has recommended refusal.

The close proximity to other buildings mean fire would spread easily.

Comment: This issue would be dealt with at building warrant stage.

To squeeze more households into this small already built up area can only contribute to noise levels and the increasingly threatening atmosphere on weekend evenings.

Comment: It is not considered that additional dwellings on this site would contribute to these factors.

The erection of a dwelling of any height at this location would render our drying green useless, thus affecting our standards of living.

Comment: See my assessment.

Is it in the interests of the community to allow another business to be disappear?

Comment: Planning cannot control market forces.

To shoehorn 5 new households into this area seems contrary to any sensible notion of town planning.

Comment:

(ii) Summary of issues raised in support

I am delighted to see such a well thought out development, it can only enhance the outlook of the area. At the moment the sheds are an eyesore.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

(i) Environmental Statement: N

(If yes – free text area for summary of key issues raised)

(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N

(If yes – free text area for summary of main issues raised)

(iii) A design or design/access statement: Y

- The dwellings will be developed as genuine 'affordable housing.
- The ground floor flats will have 'barrier free' access and internal requirements for wheelchair dependant people.
- The scale and design of the dwellings produce low energy running cost which complies with targets for a low carbon footprint.
- There are a number of similar backland developments in close proximity to the proposed site
- The proposed site is significantly less developed than other recently approved sites within the town centre area.
- The window to window distances are complied with therefore there are no concerns with regards to overlook.
- The proposed development is designed so as to satisfy 'daylighting' and 'sunlight' requirements.
- The amenity of neighbours will be improved since the existing garages will be removed. This will remove an eyesore and a noise nuisance.
- The architectural design relates to the surrounding mix of traditional properties.
- There will be high quality pavements and planting in the courtyard.

(iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N

(If yes – list of assessments/reports)

N/A

Summary of main issues raised by each assessment/report

N/A

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(If yes, Summary of the terms and heads of agreement)

N/A

(If agreement not completed in four months, grounds for refusal)

N/A

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

(i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

Argyll and Bute Structure Plan

STRAT DC1 - This policy details of the scale of development which is generally acceptable in the different sizes of settlements.

Argyll and Bute Local Plan

LP ENV 1 – This policy requires that the Council assesses applications for their impact on both the natural, human and built environment.

LP ENV19 – This policy requires a high standard of design and that consideration be given to setting, layout and density and design.

LP HOU 1 – This policy gives a general presumption in favour of certain categories of housing development unless there is an unacceptable environmental, servicing or access impact.

LP TRAN 6 – This policy sets out the parking provision required for developments which are set out in appendix C of the plan.

(ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

The Council's Sustainable Design Guidance

(K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N**
(If yes, screening opinion as to why an Environmental Assessment is not required)

(L) **Has the application been the subject of statutory pre-application consultation (PAC): N**

(M) **Has a sustainability check list been submitted: N**

(N) **Does the Council have an interest in the site: N**

(O) **Requirement for a hearing (PAN41 or other): N**

N/A

(P) Assessment and summary of determining issues and material considerations

A. Settlement Strategy

The site is located within the Settlement boundary of Helensburgh and within Helensburgh Town Centre as defined by the Argyll & Bute Local Plan. Policy STRAT DC1 of the Structure Plan is applicable as well as Policies LP ENV1, LP ENV 19, LP HOU1 and Appendix A of the Local Plan. These Policies give guidance on the scale of developments that are acceptable within the settlements and also the design principles including layout and density. It is considered that the proposed development does not accord with these policies.

B. Location, Nature and Design of Proposed Development

The proposal is to erect 3 dwellings and 2 flats on a site where there is an existing commercial garage and outbuildings. The site measures approximately 415 metres square. However 25 square metres of this is taken up with the access lane giving a useable area of approximately 390 square metres. The site lies to the rear of an existing 2 storey building which has a retail unit at ground floor level and domestic accommodation at first floor level. It is within the town centre and the site is surrounded by tenement buildings. The site is therefore considered to be backland development.

While this is an outline application, indicative plans have been provided to show how these dwellings would fit into the site. It is proposed to have a mews style development with the proposed dwellings using approximately the same footprint as the existing garages. This will have 3 dwellings to the west of the site where there are existing outbuildings and 2 flats to the rear of the site where the existing garages are. This would provide a courtyard area to the front of all of the dwellings. A patio and garden area would be available for 2 of the properties and this will be tucked into the north east of the site.

It is considered that the proposal is overdevelopment of the site, is backland development and out of keeping with the settlement pattern of the area, which is contrary to Policy LP ENV 19 of the adopted Local Plan. There are examples of backland development in close proximity to the development, the closest being the Flats at 90 West Princes Street which are just 27 metres from the application site. However, these buildings are located to the north boundary of the site and their rear elevation looks onto a play area which gives an open outlook. The proposed development will be enclosed and constrained by surrounding flatted properties. While minimum window to window distances may be met and the applicant has shown in the supporting statement that sunlight and daylight are not an issue, it is considered that the privacy and amenity of any prospective residents would be adversely affected.

Appendix A of the adopted local plan states that all developments should have some private open space, with courtyard style developments only occupying a maximum of 45% of their site. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring 4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 61% of the individual plots. The

flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). The applicant has shown that there are a number of modern flatted developments within Helensburgh that have less open space associated with them and most of this is given over to parking. However, these developments all have direct road frontages as well as open aspects to the rear which contribute to the feeling of open space and their setting.

On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined. The site also has little amenity area associated with the development.

C. Road Network, Parking and Associated Transport Matters.

The site is accessed through a narrow lane measuring approximately 3 metres wide and 8.5 metres in length. The area roads Manager has recommended that the application be refused since the existing access sightlines are substandard and unacceptable. He has advised that in order to improve this, for vehicle and pedestrian safety, the access should be widened to 4.8 metres. However, this would involve demolishing part of one of the buildings on either side of the entrance, which is not a viable option.

Since the proposal is within the town centre, zero parking for one bedroom dwellings is acceptable. Since the indicative plans submitted show only one bedroom dwellings, no car parking is required. The Area Roads Engineer however is concerned that vehicles will still access the site and to stop this, the applicant will install a bollard at the entrance.

(Q) Is the proposal consistent with the Development Plan: N

(R) Reasons why planning permission or a Planning Permission in Principle should be refused

It is considered that the proposal is overdevelopment of the site. Although the footprint of the development will remain much the same as the existing garages, replacing this with dwellings is not an acceptable option. These dwellings will have flats and tenements surrounding all elevations and will feel enclosed and confined, adversely affecting the amenity of prospective residents. This is contrary to Policies LP ENV 1, LP ENV 19 and Appendix A of the adopted Local Plan which seeks to resist development that would constitute inappropriate densities and overdevelopment of sites as well as development that would adversely affect the amenity of residents.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Stephanie Glen

Date: 26/01/2010

Reviewing Officer: Howard Young

Date: 29/1/2010

Angus Gilmour
Head of Planning

GROUND OF REFUSAL RELATIVE TO APPLICATION REF. NO. 09/01417/PPP

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008**

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

REFERENCE NUMBER: 09/01417/PPP

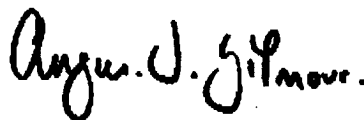
**Mr G Burgess
JB Design Consult Limited
10 Kenilworth Avenue
Helensburgh
G84 7JR**

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**STATEMENT OF CASE
FOR
ARGYLL & BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE
ERECTION OF 5NO DWELLINGHOUSES AT LAND TO
THE REAR OF 112 WEST PRINCES STREET,
HELENSBURGH**

**PLANNING PERMISSION IN PRINCIPLE APPLICATION
REFERENCE NUMBER 09/01417/PPP**

15 March 2010

INTRODUCTION

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mr Burgess ('the appellant').

The planning permission in principle application, reference number 09/01417/PPP, for the erection of 5 no dwellinghouses at land to the rear of 112 West Princes Street, Helensburgh ('the appeal site') was refused under delegated powers on 18 February 2010. The planning application has been appealed and is subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The application site lies to the rear of an existing 2 storey building which has a retail unit at ground floor level and domestic accommodation at first floor level. It lies within the town centre and is surrounded by tenement buildings. It is currently used as a garage/workshop and as such has associated buildings. The site measures approximately 415 square metres, however 25 square metres of this is taken up with the access lane giving a useable area of approximately 390 square metres.

SITE HISTORY

03/01623/COU – Change of use of vacant storage building (Class 6) to car repair workshop (Class 5) – permitted 07/11/2005.

A pre-application enquiry was submitted to the Council and a site visit was conducted with the appellant. Various issues were discussed as the site raises a number of issues. The application under review was submitted before a formal reply was sent out. A subsequent site visit did take place where it was advised that the application was considered over development and would be recommended for refusal. It was advised at this stage to submit supporting information so that this was in place should the applicant wish to appeal our decision. It was and still is considered that the number of dwellings required by the applicant is not acceptable in this confined, backland area. It was also considered that further discussion was not merited and would prove unproductive since this is an application for Planning Permission in Principle and the principle of 5 houses is unacceptable, regardless of how they are designed.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll & Bute Council considers the determining issue in relation to the case are as follows:

- Whether the proposed development for the erection of 5 dwellings in this backland location accords with the Development Plan and Development Plan Policies and, if not, whether there are any material considerations which would overrule the reasons for refusal which have been stated by the Local Planning Authority.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

COMMENTS ON APPELLANT'S SUBMISSION

- BACKLAND DEVELOPMENT

The appellant states that there is an historical precedent for backland development in the Helensburgh area and recognises that some of these 'are not necessarily well located or designed' but are popular due to lower property values than street facing housing. Although there are three examples of backland development within close proximity to the development, these sites are not constrained on each side by flatted dwellings with as high a density as the proposal. The closest example at 90 West Princes Street has a play park to the rear which maintains an open outlook and the other examples have greater areas of open space associated with them. Each planning application is judged on its own merits and it is considered that in this instance historical precedent, especially of developments that are 'not necessarily well located or designed' should not outweigh the provisions of the development plan.

- PRIVACY/OVERLOOKING

The appellant's have stated that the Council's assessment in terms of privacy/overlook is not justified since they have shown that minimum window to window distances, as set out in Appendix A of the Local Plan, can be met. While the Council is not disputing that these minimum distances can be met, privacy and overlook must also be assessed on amenity grounds. The site will be overlooked by flatted dwellings from all elevations, thus compromising the privacy of the proposed residents. This will create a feeling of being dominated, constrained and overshadowed by these properties, adversely affecting the amenity and privacy of the prospective residents.

The appellant also disagrees with a comment within the Council's Report of Handling which states, 'the flats to the west which dominate, constrain and overshadow the site'. This statement has been misinterpreted by the appellant. This does not refer to the proposed dwellings, instead refers to the existing flats to the west of the site which the Council consider would dominate, constrain and overshadow the site. Indeed the proposed dwellings, as stated by the appellant do only have a ridge height of 3 metres, while the flatted dwellings to the west of the site, just 5 metres from the proposed development are 2 ½ storey tenement buildings with a ridge height much higher, which in turn would dominate, constrain and overshadow the site.

Policy LP ENV 1 states that development will be resisted that does not take into consideration the privacy of existing and proposed development, while Policy LP ENV 19 states that developments with poor quality layouts or densities including over-development and overshadowing of sites shall be resisted. The proposal is therefore contrary to these policies.

OPEN SPACE/DENSITY

The appellants state that the proposed development has satisfactory amenity space and indeed a greater amount than a number of more modern developments within Helensburgh's town centre. This point is covered in the Report of Handling, however it must be highlighted that these modern developments referred to are flatted dwellings with direct road frontages as well as open outlooks from the rear elevation. This creates a sense of open space and contributes to their setting. These developments also pre-date the adopted Local Plan. By contrast, these single storey and 1 ½ storey dwellings will be constrained within their site with limited outlook and as limited useable amenity space. It is considered that these proposed dwellings and the more recent flatted developments cannot be compared to each other since they are very different in their siting, scale and design.

CONCLUSION

It is considered that the proposal is overdevelopment of the site. Although the footprint of the development will remain much the same as the existing garages, replacing this with dwellings is not an acceptable option. These dwellings would have flats and tenements surrounding all elevations and would feel enclosed and confined, adversely affecting the amenity of prospective residents. This is contrary to Policies LP ENV 1, LP ENV 19 and Appendix A of the adopted Local Plan which seeks to resist development that would constitute inappropriate densities and overdevelopment of sites as well as development that would adversely affect the amenity of residents. Taking account of the above it is respectfully requested that the appeal be dismissed.

Appendix 1

Argyll and Bute Council
Development Services

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 09/01417/PPP

Planning Hierarchy: Local Application

Applicant: Mr G Burgess

Proposal: Planning Permission in Principle for the erection of 5no dwellinghouses.

Site Address: 112 West Princes Street Helensburgh Argyll and Bute G84 8XD

DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

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

- Erection of 5 dwellings

(ii) **Other specified operations**

- Connection to existing public water supply
 - Connection to existing public sewer
-

(B) RECOMMENDATION:

It is recommended that planning permission be refused due to the reasons detailed overleaf.

(C) HISTORY:

09/01472/PP - Change of Use of ground floor shop (Class 1) to 1no. flat (Class 9) – permitted 07/12/2009

(D) CONSULTATIONS:

Roads Helensburgh & Lomond 12.10.2009 Recommend refusal

Environmental Health 15.10.2009 No objections subject to conditions

Scottish Water North 09.10.2009 No objections

(E) **PUBLICITY:** None

(F) **REPRESENTATIONS:**

Two letters of objection have been received as has one letter of support.

B and P McCallan 102A West Princes Street Helensburgh G84 8XD (SUPPORT)

Frank Rooney And Lucy Thompson Flat 3/1, 104 West Princes Street Helensburgh G84 8XD (email and letter dated 08/10/2209) (OBJECTION)

(i) **Summary of issues raised in objection**

The plans lack the necessary information and detail.

Comment: This is an application for planning permission in principle. Further plans are not required at this stage.

The plot does not seem adequate for the proposed building.

Comment: See my assessment.

There is the potential of motor vehicles for 5 new houses. Where will they park?

Comment: The Area Roads Manager has recommended refusal. See my assessment.

The existing vehicular access has bad visibility and is dangerous.

Comment: The Area Roads Manager has recommended refusal. See my assessment.

It is difficult for emergency vehicles to enter the site.

Comment: The Area Roads Manager has recommended refusal.

The close proximity to other buildings mean fire would spread easily.

Comment: This issue would be dealt with at building warrant stage.

To squeeze more households into this small already built up area can only contribute to noise levels and the increasingly threatening atmosphere on weekend evenings.

Comment: It is not considered that additional dwellings on this site would contribute to these factors.

The erection of a dwelling of any height at this location would render our drying green useless, thus affecting our standards of living.

Comment: See my assessment.

Is it in the interests of the community to allow another business to be disappear?

Comment: Planning cannot control market forces.

To shoehorn 5 new households into this area seems contrary to any sensible notion of town planning.

Comment:

(ii) Summary of issues raised in support

I am delighted to see such a well thought out development, it can only enhance the outlook of the area. At the moment the sheds are an eyesore.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement: N**
(If yes – free text area for summary of key issues raised)
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: N**
(If yes – free text area for summary of main issues raised)
- (iii) A design or design/access statement: Y**
- The dwellings will be developed as genuine 'affordable housing.'
- The ground floor flats will have 'barrier free' access and internal requirements for wheelchair dependant people.
- The scale and design of the dwellings produce low energy running cost which complies with targets for a low carbon footprint.
- There are a number of similar backland developments in close proximity to the proposed site
- The proposed site is significantly less developed than other recently approved sites within the town centre area.
- The window to window distances are complied with therefore there are no concerns with regards to overlook.
- The proposed development is designed so as to satisfy 'daylighting' and 'sunlight' requirements.
- The amenity of neighbours will be improved since the existing garages will be removed. This will remove an eyesore and a noise nuisance.
- The architectural design relates to the surrounding mix of traditional properties.
- There will be high quality pavements and planting in the courtyard.
- (iv) A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: N**
(If yes – list of assessments/reports)

N/A

Summary of main issues raised by each assessment/report

N/A

(H) PLANNING OBLIGATIONS

- (i) Is a Section 75 agreement required: N**
(If yes, Summary of the terms and heads of agreement)
- N/A
- (If agreement not completed in four months, grounds for refusal)**
- N/A

(l) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N**

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Structure Plan

STRAT DC1 - This policy details of the scale of development which is generally acceptable in the different sizes of settlements.

Argyll and Bute Local Plan

LP ENV 1 – This policy requires that the Council assesses applications for their impact on both the natural, human and built environment.

LP ENV19 – This policy requires a high standard of design and that consideration be given to setting, layout and density and design.

LP HOU 1 – This policy gives a general presumption in favour of certain categories of housing development unless there is an unacceptable environmental, servicing or access impact.

LP TRAN 6 – This policy sets out the parking provision required for developments which are set out in appendix C of the plan.

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

The Council's Sustainable Design Guidance

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N
(If yes, screening opinion as to why an Environmental Assessment is not required)

(L) Has the application been the subject of statutory pre-application consultation (PAC): N

(M) Has a sustainability check list been submitted: N

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

(O) Requirement for a hearing (PAN41 or other): N

N/A

(P) Assessment and summary of determining issues and material considerations

A. Settlement Strategy

The site is located within the Settlement boundary of Helensburgh and within Helensburgh Town Centre as defined by the Argyll & Bute Local Plan. Policy STRAT DC1 of the Structure Plan is applicable as well as Policies LP ENV1, LP ENV 19, LP HOU1 and Appendix A of the Local Plan. These Policies give guidance on the scale of developments that are acceptable within the settlements and also the design principles including layout and density. It is considered that the proposed development does not accord with these policies.

B. Location, Nature and Design of Proposed Development

The proposal is to erect 3 dwellings and 2 flats on a site where there is an existing commercial garage and outbuildings. The site measures approximately 415 metres square. However 25 square metres of this is taken up with the access lane giving a useable area of approximately 390 square metres. The site lies to the rear of an existing 2 storey building which has a retail unit at ground floor level and domestic accommodation at first floor level. It is within the town centre and the site is surrounded by tenement buildings. The site is therefore considered to be backland development.

While this is an outline application, indicative plans have been provided to show how these dwellings would fit into the site. It is proposed to have a mews style development with the proposed dwellings using approximately the same footprint as the existing garages. This will have 3 dwellings to the west of the site where there are existing outbuildings and 2 flats to the rear of the site where the existing garages are. This would provide a courtyard area to the front of all of the dwellings. A patio and garden area would be available for 2 of the properties and this will be tucked into the north east of the site.

It is considered that the proposal is overdevelopment of the site, is backland development and out of keeping with the settlement pattern of the area, which is contrary to Policy LP ENV 19 of the adopted Local Plan. There are examples of backland development in close proximity to the development, the closest being the Flats at 90 West Princes Street which are just 27 metres from the application site. However, these buildings are located to the north boundary of the site and their rear elevation looks onto a play area which gives an open outlook. The proposed development will be enclosed and constrained by surrounding flatted properties. While minimum window to window distances may be met and the applicant has shown in the supporting statement that sunlight and daylight are not an issue, it is considered that the privacy and amenity of any prospective residents would be adversely affected.

Appendix A of the adopted local plan states that all developments should have some private open space, with courtyard style developments only occupying a maximum of 45% of their site. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring

4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 61% of the individual plots. The flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). The applicant has shown that there are a number of modern flatted developments within Helensburgh that have less open space associated with them and most of this is given over to parking. However, these developments all have direct road frontages as well as open aspects to the rear which contribute to the feeling of open space and their setting.

On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes overdevelopment and its amenity would be severely undermined. The site also has little amenity area associated with the development.

C. Road Network, Parking and Associated Transport Matters.

The site is accessed through a narrow lane measuring approximately 3 metres wide and 8.5 metres in length. The area roads Manager has recommended that the application be refused since the existing access sightlines are substandard and unacceptable. He has advised that in order to improve this, for vehicle and pedestrian safety, the access should be widened to 4.8 metres. However, this would involve demolishing part of one of the buildings on either side of the entrance, which is not a viable option.

Since the proposal is within the town centre, zero parking for one bedroom dwellings is acceptable. Since the indicative plans submitted show only one bedroom dwellings, no car parking is required. The Area Roads Engineer however is concerned that vehicles will still access the site and to stop this, the applicant will install a bollard at the entrance.

(Q) Is the proposal consistent with the Development Plan: N

(R) Reasons why planning permission or a Planning Permission in Principle should be refused

It is considered that the proposal is overdevelopment of the site. Although the footprint of the development will remain much the same as the existing garages, replacing this with dwellings is not an acceptable option. These dwellings will have flats and tenements surrounding all elevations and will feel enclosed and confined, adversely affecting the amenity of prospective residents. This is contrary to Policies LP ENV 1, LP ENV 19 and Appendix A off the adopted Local Plan which seeks to resist development that would constitute inappropriate densities and overdevelopment of sites as well as development that would adversely affect the amenity of residents.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Stephanie Glen

Date: 26/01/2010

Reviewing Officer: Howard Young

Date: 29/1/2010

**Angus Gilmour
Head of Planning**

GROUNDINGS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 09/01417/PPP

1. The application site is located in a backland plot in the rear court area of properties fronting onto West Princes Street. It has traditionally been used as part of a painter and decorators and for the repair of motor vehicles. The site is constrained, overlooked and dominated by adjoining flatted properties particularly those to the west fronting onto John Street. The site extends to 415 square metres, 25 metres of which comprises the access. The proposal is for a terrace of three single storey dwellings together with a 2 storey block of 2 flats. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring 4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 60% of the individual plots. The flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined. The proposal is therefore contrary to Policies LP ENV1, LP ENV19 and Appendix A of the Argyll and Bute Local Plan which, inter alia, presume against development with poor quality or inappropriate layouts or densities including over-development and overshadowing of sites.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 17/09/2009 and the refused drawing reference numbers GB/A/01 and GB/A/02.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 09/01417/PPP

-
- (A)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

Yes

If Yes: Enter a description of the “non” material changes.

Further information was submitted in the form of a supporting statement and indicative plans.

- (B)** The reason why planning permission has been refused.

1. The application site is located in a backland plot in the rear court area of properties fronting onto West Princes Street. It has traditionally been used as part of a painter and decorators and for the repair of motor vehicles. The site is constrained, overlooked and dominated by adjoining flatted properties particularly those to the west fronting onto John Street. The site extends to 415 square metres, 25 metres of which comprises the access. The proposal is for a terrace of three single storey dwellings together with a 2 storey block of 2 flats. On the rear elevation the development would be hard up against the boundary wall of the flats to the west. The dwellings will have no curtilage at the rear and a limited curtilage to the front, each comprising a small area measuring 4.5m by 7 (31.5 square metres) which is virtually all hard surface including bin stores. Each of the proposed dwellings is indicated to take up approximately 60% of the individual plots. The flatted development will also have a limited curtilage comprising a small area of garden ground measuring approximately 6.2 by 6.2 metres (38 square metres). On the basis of the flats to the west which dominate, constrain and overshadow the site, the size of the application site, the number of properties proposed, the limited outlook and amenity space of both the proposed dwellings and the flats and that in turn the proposed flats overlook the dwellings then this proposal constitutes over-development and its amenity would be severely undermined. The proposal is therefore contrary to Policies LP ENV1, LP ENV19 and Appendix A of the Argyll and Bute Local Plan which, inter alia, presumes against development with poor quality or inappropriate layouts or densities including over-development and overshadowing of sites.

McCallum, Fiona

From: Frapatroo@aol.com
Sent: 17 March 2010 16:06
To: localreviewprocess
Subject: Re Planning Appl. 09/01417/PPP

To whom it may concern,

Re Planning Appl. 09/01417/PPP, Review Ref. 10/0004/LRB

Not addressed in the response of the planners is the question of emergency access. As acknowledge, the entrance to the proposed court area is narrow, and is not easily accessible by a large vehicle. This was one of the objections we raised and which, we feel, has not been properly addressed. However, the proposal by the planners to erect a bollard before the entrance to prevent any resident of the proposed dwellings parking their car in the restrictive courtyard would mean that no vehicle, emergency or otherwise be able to gain access. Surely this is irresponsible.

Even was this bollard installed that it might be lowered in an emergency:-

1. Valuable time would be lost finding someone able to lower it
2. It would be easy to vandalise such a bollard, thus rendering its purpose pointless. Vandalism is a problem in this end of the town. Damaged shop windows are just part of the weekend; why would vandals stop at breaking the bollard? That residents ought not park their cars in this concrete stamp of a courtyard does not mean that they will not.

The problem of parking is a potent one. That the proposed dwellings have only one bedroom does not mean that the occupier will not possess a car. As there are 5 new residential properties proposed there will be potentially an minimum of 5 new motor vehicles requiring parking space on an already parking-saturated street.

The other point not properly addressed is the issue of noise. Five new household will mean more noise. The assertion that because the garage that presently stands on the plot will no longer be, that noise levels will be reduced during office hours is an irrelevance. What happens while we are out working does not matter. However, when people are home (i.e. outwith working/office hours) peripheral noise can be irritating. 5 new households will mean more people occupying an already, arguably, over-occupied area. 5 new households would, unarguably, mean a deterioration in the quality of life enjoyed by residents. 5 new households would increase the potential for anti-social incidents. The area is already densely populated ... why cram in more dwellings and more people? To do so would be reckless.

To dismiss this concern of anti-social behaviour is to be blind to the current problem existing. Smashed windows, drunken brawls, aggressive behaviour of some youths using the off-licence, smashed bottles, loud music from the pubs and the masonic hall (as well as from some of the flats), do not make this area particularly pleasant, not only a weekends, but often during the week also. To add 5 new households to this environment is not good social planning.

The proposed site is undeniably an overdevelopment. That a garage occupies the plot is not an issue. Nobody stays at the garage. As a place of business, it is locked an uninhabited when the working day is over, thus there is no noise when residents are at home, returned from work, in the surrounding homes.

As far as we are concerned, several issues have not been properly addressed, or, as in the instance of emergency access, ignored.

Please consider seriously these additional comments regarding the proposed development. We object strongly to this ill-conceived proposal.

Yours sincerely,

Frank Rooney & Lucy Thompson

17/03/2010

JB DesignConsult
Architects and Designers

10 Kenilworth Avenue,
Helensburgh,
Argyll and Bute,
G84 7JR
t - 0754 532 5806
w - jb-designconsult.co.uk
e - info@jb-designconsult.co.uk

29/03/2010 / GB/A/L4
Local Review Body,
Corporate Services,
Argyll and Bute Council,
Kilmory,
Lochgilphead,
PA31 8RT

Dear Sirs,

Review Reference Number 10/0004/LRB
Planning Application Reference – 09/01417/PPP

Subject;- 112 West PrincesStreet, Helensburgh, G84 8XD

Proposed re-development of commercial premises at above site :-

We confirm receipt on 23rd March your intimation of a representation from the Planning Authority Representee.

We enclose a document commenting on that for consideration by the Local Review Body.

Yours Faithfully.



Mr. J. Black
For JB DesignConsult Limited
Agent for Mr. G. Burgess, Appellant.

Encl.- Report on appellant's responses to the Statement of Case by the Planning Authority
c.c. Mr. G. Burgess + copy encl.

Local Review
(Reference number
10/0004/LRB): for
Planning Application
number
09/01417/PPP

112 West Princes
Street, Helensburgh

Appellant's responses (29th
March 2010) to the points
made in the Planning
Authority Statement of Case
dated 15 March 2009

[Type text]

The Appellant's responses to the Statement of Case headings are noted below:

DESCRIPTION OF SITE

The site is stated as being surrounded by tenement buildings. This is not accurate, as only 22% of the site boundary directly faces a two-and half storey tenement to the west. Almost half (about 46%) of the useable site boundary has a boundary wall facing onto open garden areas (or a single storey shed in part). These areas offer direct daylighting into the site, and an outlook over the wall to clear and distant sky views.

SITE HISTORY

During the application process the appellant requested the Planning Authority's definition of overdevelopment so that the appellant could have considered potential options to alter the proposal to meet Council requirements. Unfortunately this information was not received until the date of refusal, as previously stated in previous documents.

The Applicant considers that it would have been possible to agree a compromise, and/or approve an 'in principle' application with a Condition limiting the site to an agreed development area or unit number limit, to satisfy the overdevelopment issue.

COMMENTS ON APPELLANT'S SUBMISSION

-BACKLAND DEVELOPMENT

It appears from this statement that the Planning Authority accepts that the proposals adhere to historical development, which is one of the Council policy tests of satisfactory backland development, and which Council policy states can be positive.

However their issue is with regard to the amount of open outlook and open space associated with the proposals. The appellant has previously referred to these issues in the Review application (Scheduled Document Number 1, second last page) and his Supporting Report (Scheduled Document No. 5, Page 15, paragraphs 5-8).

In summary the Appellant has submitted that the extent of views and open space are appropriate for an enclosed courtyard development of this type and in this location, and confirms the site maintains an open outlook to the rear, and part of both sides over boundary walls.

-PRIVACY/OVERLOOKING

The Planning Authority have previously stated and therefore accept that the proposals comply with current Council and National standards for daylighting and privacy distances for both existing and prospective residents. ('overlooking' - this word has no definition for

[Type text]

testing except under the nationally accepted privacy distances). The amenity and privacy for prospective residents will be identical to endless numbers of existing and new housing and flatted developments in the UK, which have exactly the same window to window, and nationally accepted garden overlooking relationships with their neighbours as these proposals. The existing flats around the site overlook neighbours gardens as is normal in any flatted housing development.

With regard to the general comment on 'overshadowing' by adjacent properties, and specifically by the flats to the west on John Street, the site does not suffer from significant 'overshadowing' for most of the day/time of year.

The appellant has demonstrated that daylight standards for both existing and prospective residents meet national standards, and that sunlight penetration into the site is good, in the Supporting Report (Scheduled Document No. 5) page 14.

The Planning Authority's claim that the John Street flats to the west will 'dominate, constrain and overshadow the site' is not correct. None of the apartment windows of the proposed flats have a direct facing view of the John Street flats. There is no view at all from the main apartments of three of the proposed flats. There is no constraint to the site development. There is no sunlight overshadowing of the site by these flats from dawn until almost dusk.

This view is confirmed by the enclosed photographs which demonstrate that 'overshadowing' is not an issue. The degree of sunlight penetration for most of the day/year can be seen with:

1. Aerial photographs from two independent sources which clearly show the site in almost full sunshine with little overshadowing, at different times of the day/angle of sun direction.
2. Site photographs which show sunlight penetrating into the site, as far as the south portion of the site, affording sunlight to all of the proposed development windows.

Therefore the appellant suggests that the proposals do adhere to Council Policy LP ENV 1, taking into consideration the privacy of existing and proposed development by complying with undisputed Council and National standards; and that under Policy LP ENV 19, the development;

1. Has a high quality courtyard site layout design.
2. Has an appropriate density as discussed in the appellant's Scheduled Document No. 1, third page.
3. And the site is not significantly 'overshadowed' to justify refusal on that issue.

[Type text]

-OPEN SPACE/DENSITY

Although the three examples of other developments are not enclosed courtyard schemes, and offer more open outlooks because of this, they provide as previously shown, virtually no private or communal open amenity space for residents. Indeed the same is true of the neighbouring 'backland' flats built in the nineties to the south of the Library, and in addition their outlook is largely onto a large car park.

By contrast the appellant's proposal as previously stated provides an average of 27 square metres of private/semi-private open space per dwelling for resident's amenity, as private garden, or shared high quality hard landscaped courtyard. The open space available for residents amenity use is about 35% of the site area, appropriate to this enclosed courtyard scheme, whereas the examples referred to above provide virtually none.

CONCLUSION

The Planning Authority Conclusion simply summarises the points above, which the appellant has already commented on.

The appellant's conclusion is that;

1. In contrast to the Planning Authority opinion, the proposal complies with Policies LP ENV 1, LP ENV 19 and Appendix A of the adopted Local Plan, as demonstrated by the evidence provided during the Planning Application process, in the Local Review application documents, and in this further response.
2. The appellant has previously demonstrated a local need for this type and location of development, and support from the local community in general, and the Community Council.

The Planning Authority's principal objection surrounds the prospective resident's amenity. The real test of this is whether or not people would want to live in this development. The appellant in discussion with local people and the Community Council identified that many people looking to 'downsize' to a town centre flat would find this development design and location ideal. Many people in this category don't want a direct street frontage property, and prefer a cul-de-sac, semi-private courtyard for privacy, security, and reduced street noise. The appellant has already had interest from a local businessman who has seen the proposals, regarding potential purchase of a flat in this proposed development. His view on 'amenity' is obviously different to the Planning Authority's.

Therefore the appellant submits that there is sufficient local public interest in this development to provide a sustainable house type in short supply in Helensburgh,

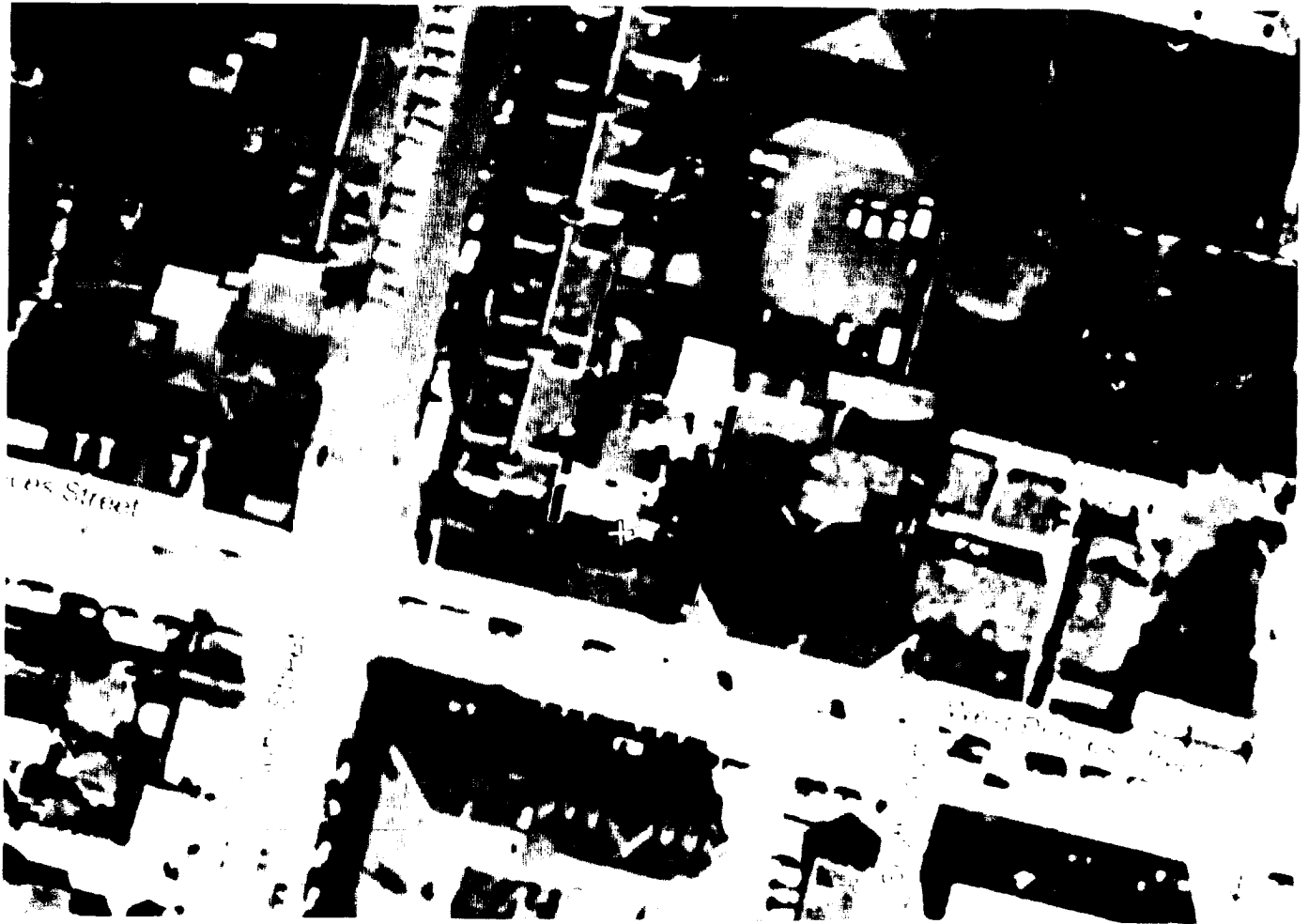
[Type text]

and that the Local Review body should take this into account along with the discussions regarding Council policies.

3. With regard to the letter of objection dated 17th March from Mr. Rooney/Ms. Thompson, attached to the Planning Authority's Statement of Case, the issue of emergency access is not relevant. The proposed houses are as accessible to the Fire Brigade and Ambulances as the current commercial property on the site. Both these emergency services have easier access to the site with either hose pipes or stretchers than getting up several flights of stairs to the top third floor flat which the neighbouring objector occupies. The Fire Brigade can also reach the site with hoses from the vacant garden to the south-west, and from the Library car park and gardens to the north and east.

Developments such as the one proposed do not encourage anti-social behaviour. That is a societal and Police matter.

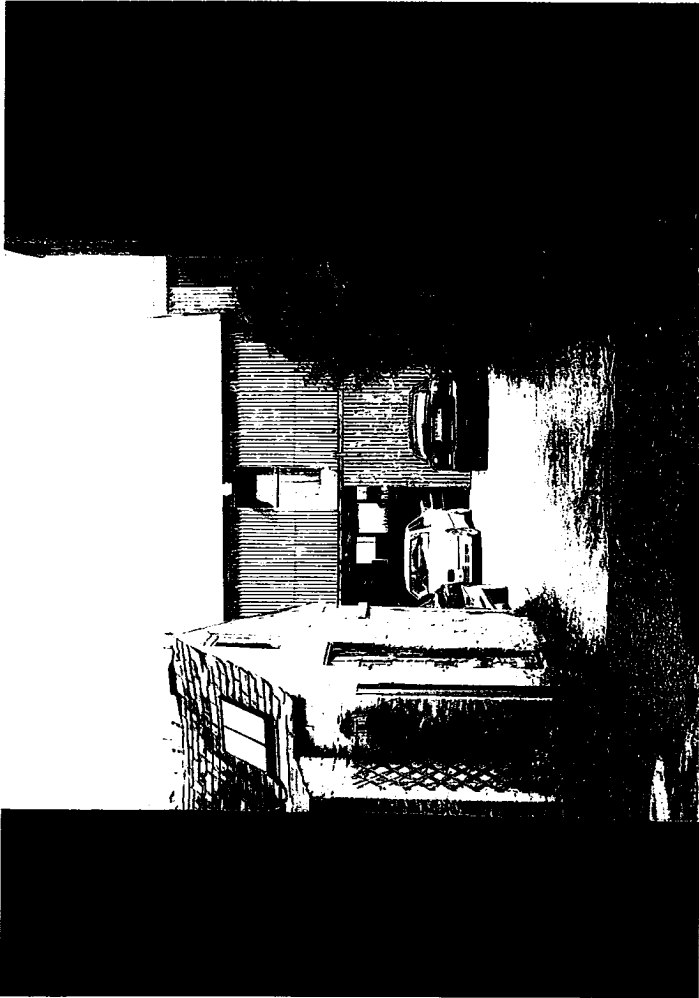
An increase in cars is unlikely due to the nature of the 'accessible' designed one-bedroom flats, which are unlikely to be attractive to car owners. Local knowledge informs us that in the evenings there are many more car parking spaces available for residents returning from work than are available during the day. A properly designed bollard would be vandal-resistant, preventing cars from accessing the site.



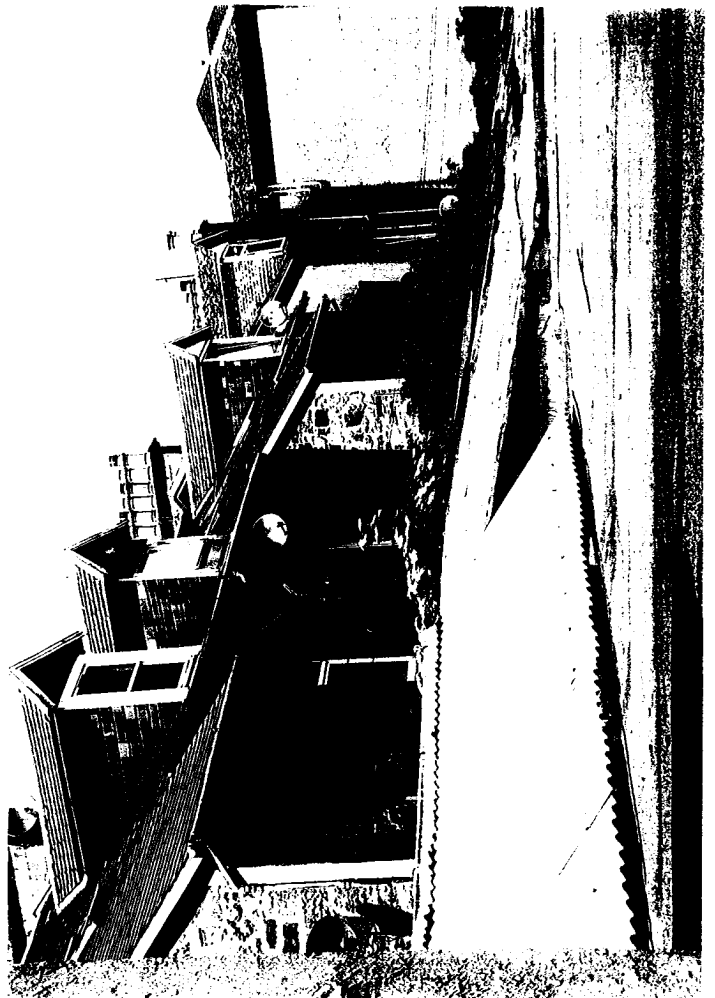
SUNLIGHT PENETRATION INTO THE SITE: AERIAL PHOTOGRAPHS

The aerial photographs above show the site (edged in red) in full sunshine at times during the year. There is little overshadowing most of the day.

Top view supplied by Flash Earth satellite images; lower view supplied by Google Earth satellites.



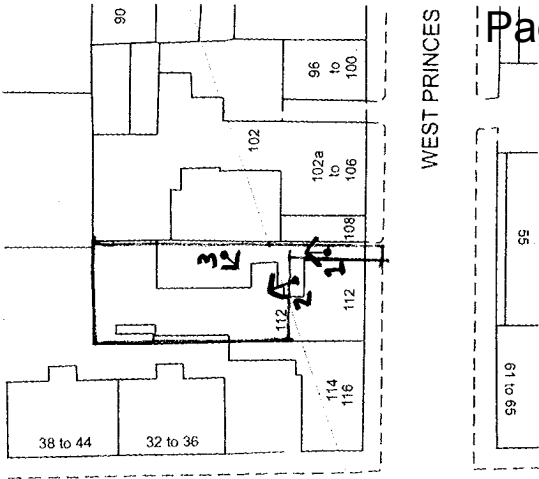
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2

SUNLIGHT PENETRATION INTO THE SITE: PHOTOGRAPHS

The photographs show the site often receives almost 100 % sunlight coverage. The views are located on the plan, right. The Flats to the West on view 2 produce no sunlight overshadowing of the site except in late evening, and then only over a part of the site.



3