



Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry

Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
14 February 2018

RECONVENED MEETING OF ARGYLL AND BUTE LOCAL REVIEW BODY

The **ARGYLL AND BUTE LOCAL REVIEW BODY** will reconvene in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 21 FEBRUARY 2018** at **9:45 AM**, which you are requested to attend.

Paperwork for this case has previously been issued in agenda packs for Argyll and Bute Local Review Body meetings held on 22 November 2017 at 9.15am and 19 December 2017 at 10.45am.

Douglas Hendry
Executive Director of Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW REQUEST: 17/0008/LRB: 32 MACLEOD DRIVE, HELENSBURGH**
 - (a) Further Written Submissions from Planning Authority (Pages 3 - 8)
 - (b) Comments from Applicant on Further Information (Pages 9 - 14)
 - (c) Comments from Interested Parties (Pages 15 - 18)
 - (d) Comments from Applicant (Pages 19 - 22)
 - (e) Comments from Planning (Pages 23 - 24)
 - (f) Comments from Interested Parties (Pages 25 - 26)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Gordon Blair
Councillor David Kinniburgh (Chair)

Councillor Mary-Jean Devon

Contact: Hazel MacInnes Tel: 01546 604269

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CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 16/01835/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 16/06/16 and the approved drawing reference numbers 2322.01, 2322.02 Revision A, 2322.03 Revision A, 2322.04 Revision A and 2322.05 Revision A unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings and in construction of hard standings has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) of or the Schedule to that Order, shall operate so as to permit, within the area subject of this permission, any development referred to in Part 1 and Classes 1A, 1B, 1C, 1D, 2A, 2B, 3A, 3B, 3C, 3D and 3E of the of the aforementioned Schedule, as summarised below:

PART 1: DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class 1A: Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

Class 1B: Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.

Class 1D: Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

Class 2B: Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

Class 3A: The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.

Class 3B: The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

Class 3C: The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.

Class 3D: The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.

Class 3E: The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect adjoining dwellinghouses, in the interest of amenity from unsympathetic siting and design of developments normally carried out without planning permission; these normally being permitted under Article 2(4) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

4. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of:

- i) Location, design and materials of proposed walls, fences and gates;
- ii) Surface treatment of proposed means of access and hardstanding areas;
- iii) Any proposed re-contouring of the site by means of existing and proposed ground levels.
- iv) Proposed hard and soft landscape works.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme during the first planting season following the commencement of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

5. The provision of surface water drainage should be installed at the heel of the footway/entrance to the driveway/parking areas to prevent the discharge of surface water onto the public road. Details of surface water drainage to be installed shall be submitted to and agreed in writing by the Planning Authority prior to works commencing on site. Thereafter the agreed scheme shall be implemented prior to the dwellinghouse hereby approved being completed or brought into use.

Reason: To prevent the discharge of surface water onto the public road in the interests of road safety.

6. The first 3 metres of the driveway/parking area should be surfaced in a bituminous surface or other approved hard material to prevent the spillage of loose material onto the public road.

Reason: To prevent the spillage of loose material onto the public road in the interests of road safety.

NOTES TO APPLICANT

1. **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within

that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]

2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
4. An application to the Road Network Manager will be required to form the new footway crossover.

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MacInnes, Hazel

From: Steven Cameron <steven@cameronplanning.com>
Sent: 24 January 2018 22:25
To: MacInnes, Hazel; localreviewprocess; Bain, Peter (Planning); Young, Howard; roadsconshl; planningconsultations@scottishwater.co.uk; martin.henderson@networkrail.co.uk; kathleen.ralph@virgin.net; millarnc@btinternet.com; lizjamieson@tiscali.co.uk; lizjamieson65@icloud.com
Subject: RE: ARGYLL AND BUTE LOCAL REVIEW BODY CASE 17/0008/LRB - 32 MACLEOD DRIVE, HELENSBURGH [OFFICIAL]
Attachments: 32 MacLead Dr. Comparitive Plot Sizes.pdf

Hazel, we have now received the planning authority's plan showing the measured comparison plot sizes. By way of response we submit the attached plan which shows a greater range of surrounding plots compared to the Planning document and ask that this is taken into consideration. The plot sizes are similar in both documents but not exact, ours excludes pavements. The more extensive coverage we believe provides a better comparison.

We have no comment on the suggested planning conditions.

regards

Steven Cameron

Cameron Planning
 29 East Argyle St.,
 Helensburgh G84 7EJ
 Tel:- 07747 053070

e-mail:- steven@cameronplanning.com
www.cameronplanning.com

From: MacInnes, Hazel [mailto:Hazel.MacInnes@argyll-bute.gov.uk]
Sent: 15 January 2018 14:33
To: 'Steven Cameron' <steven@cameronplanning.com>; localreviewprocess <localreviewprocess@argyll-bute.gov.uk>; Bain, Peter (Planning) <Peter.Bain@argyll-bute.gov.uk>; Young, Howard <Howard.Young@argyll-bute.gov.uk>; roadsconshl <roadsconshl@argyll-bute.gov.uk>; planningconsultations@scottishwater.co.uk; martin.henderson@networkrail.co.uk; kathleen.ralph@virgin.net; millarnc@btinternet.com; lizjamieson@tiscali.co.uk; lizjamieson65@icloud.com
Subject: RE: ARGYLL AND BUTE LOCAL REVIEW BODY CASE 17/0008/LRB - 32 MACLEOD DRIVE, HELENSBURGH [OFFICIAL]

Classification: OFFICIAL

Dear Steven

Thank you for your email.

As the LRB requested this further information from the planning authority and not from the applicant we will be unable to accept this as a further written submission from you. The further submissions from the planning authority are due to be submitted by Wednesday and therefore you could submit this as part of your comments in reply to the further information submitted by the planning authority (you will have 14 days from Wednesday to comment). Alternatively

the LRB could be made aware of this information at their next meeting and it would be at their discretion whether to accept this or not at the time.

Regards
Hazel

From: Steven Cameron [<mailto:steven@cameronplanning.com>]

Sent: 15 January 2018 11:12

To: MacInnes, Hazel <Hazel.MacInnes@argyll-bute.gov.uk>; localreviewprocess <localreviewprocess@argyll-bute.gov.uk>; Bain, Peter (Planning) <Peter.Bain@argyll-bute.gov.uk>; Young, Howard <Howard.Young@argyll-bute.gov.uk>; roadsconshl <roadsconshl@argyll-bute.gov.uk>; planningconsultations@scottishwater.co.uk; martin.henderson@networkrail.co.uk; kathleen.ralph@virgin.net; millarnc@btinternet.com; lizjamieson@tiscali.co.uk; lizjamieson65@icloud.com

Subject: RE: ARGYLL AND BUTE LOCAL REVIEW BODY CASE 17/0008/LRB - 32 MACLEOD DRIVE, HELENSBURGH [OFFICIAL]

Hazel, I appreciate you have asked A&BC Planning to produce a review of plot sizes however, in order to speed the process up, we have undertaken our own review of the relative plot sizes of properties in the vicinity of the application site; the results are shown on the attached plan. I trust this is useful.

regards

Steven Cameron

Cameron Planning
29 East Argyle St.,
Helensburgh G84 7EJ
Tel:- 07747 053070

e-mail:- steven@cameronplanning.com
www.cameronplanning.com

From: MacInnes, Hazel [<mailto:Hazel.MacInnes@argyll-bute.gov.uk>]

Sent: 03 January 2018 10:07

To: localreviewprocess <localreviewprocess@argyll-bute.gov.uk>; 'steven@cameronplanning.com' <steven@cameronplanning.com>; Bain, Peter (Planning) <Peter.Bain@argyll-bute.gov.uk>; Young, Howard <Howard.Young@argyll-bute.gov.uk>; roadsconshl <roadsconshl@argyll-bute.gov.uk>; 'planningconsultations@scottishwater.co.uk' <planningconsultations@scottishwater.co.uk>; 'martin.henderson@networkrail.co.uk' <martin.henderson@networkrail.co.uk>; kathleen.ralph@virgin.net; 'millarnc@btinternet.com' <millarnc@btinternet.com>; 'lizjamieson@tiscali.co.uk' <lizjamieson@tiscali.co.uk>; 'lizjamieson65@icloud.com' <lizjamieson65@icloud.com>

Subject: ARGYLL AND BUTE LOCAL REVIEW BODY CASE 17/0008/LRB - 32 MACLEOD DRIVE, HELENSBURGH [OFFICIAL]

Classification: OFFICIAL

Following the Local Review Body site visit and meeting held on 19 December 2017 in respect of the above case I now enclose forms AB5 and AB7 requesting further written submissions from the Planning Authority. This further information must be sent to all interested parties listed on the AB5 form by 17 January 2018 and thereafter all interested parties will have a further 14 days to comment on this information and any comments must also be copied to all parties listed on the AB5 form. The submission dates for comments will be 31 January 2018.

Regards,

Hazel Kelly MacInnes
Committee Services Officer
Customer Services
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT
Tel: 01546 604269
hazel.macinnes@argyll-bute.gov.uk
www.argyll-bute.gov.uk



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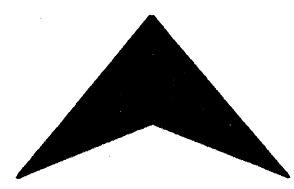
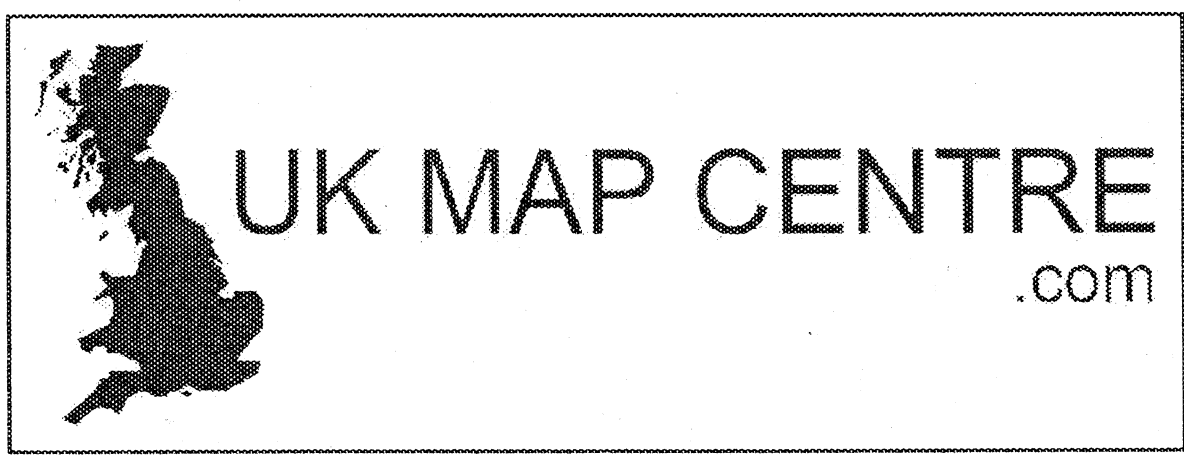
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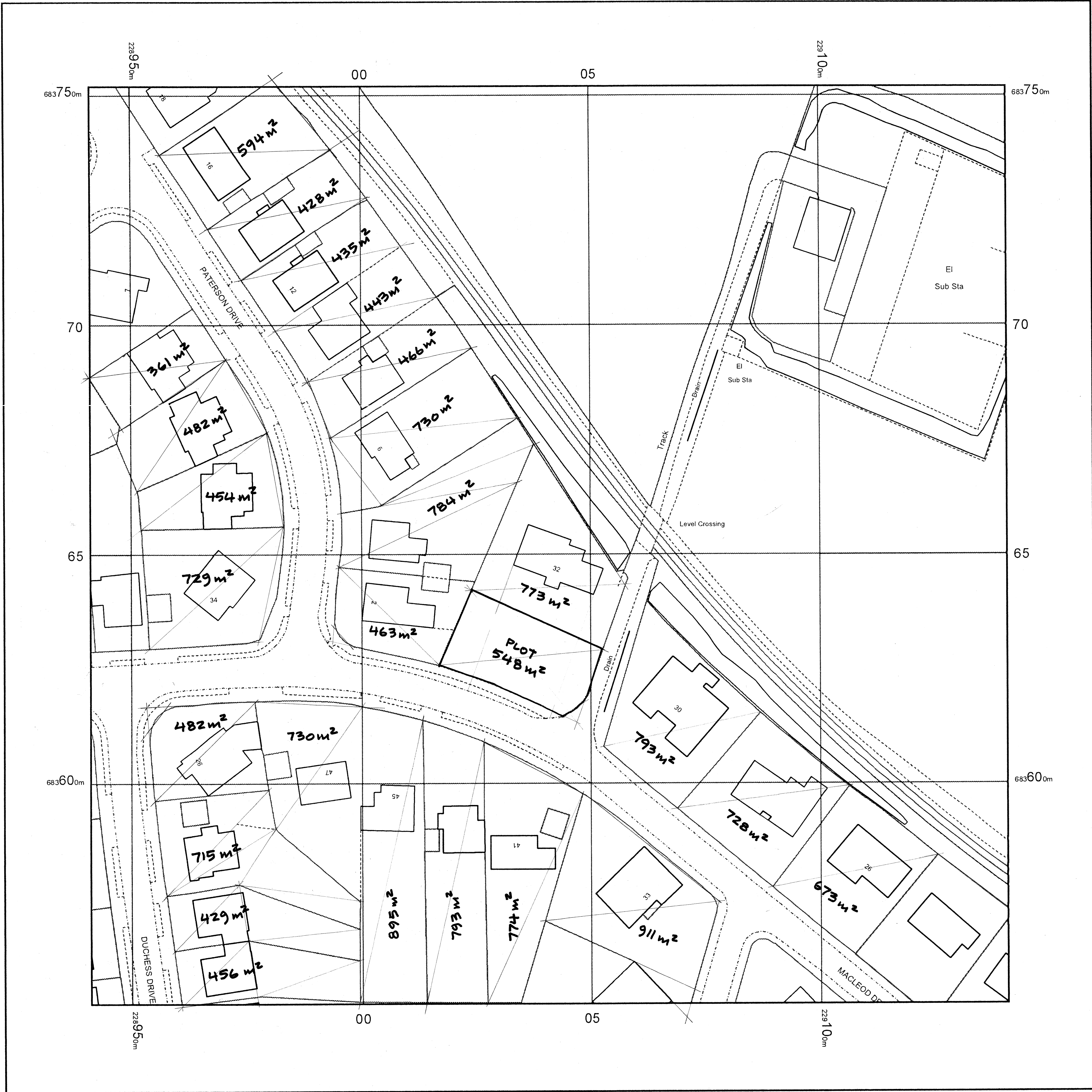
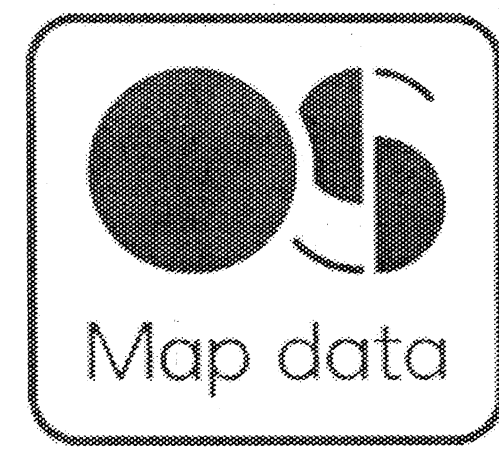
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32 Macleod Drive Helensburgh G84 9QU

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Dunvegan
30 Macleod Drive
Helensburgh
G84 9QS

29 January 2018

Head of Governance and Law
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sir/Madam

**Proposed Additional Dwelling House at 32 Macleod Drive, Helensburgh, G84 9QU
Planning Application 16/01835/PP (Amended Plans)
Review Reference No 17/0008/LRB**

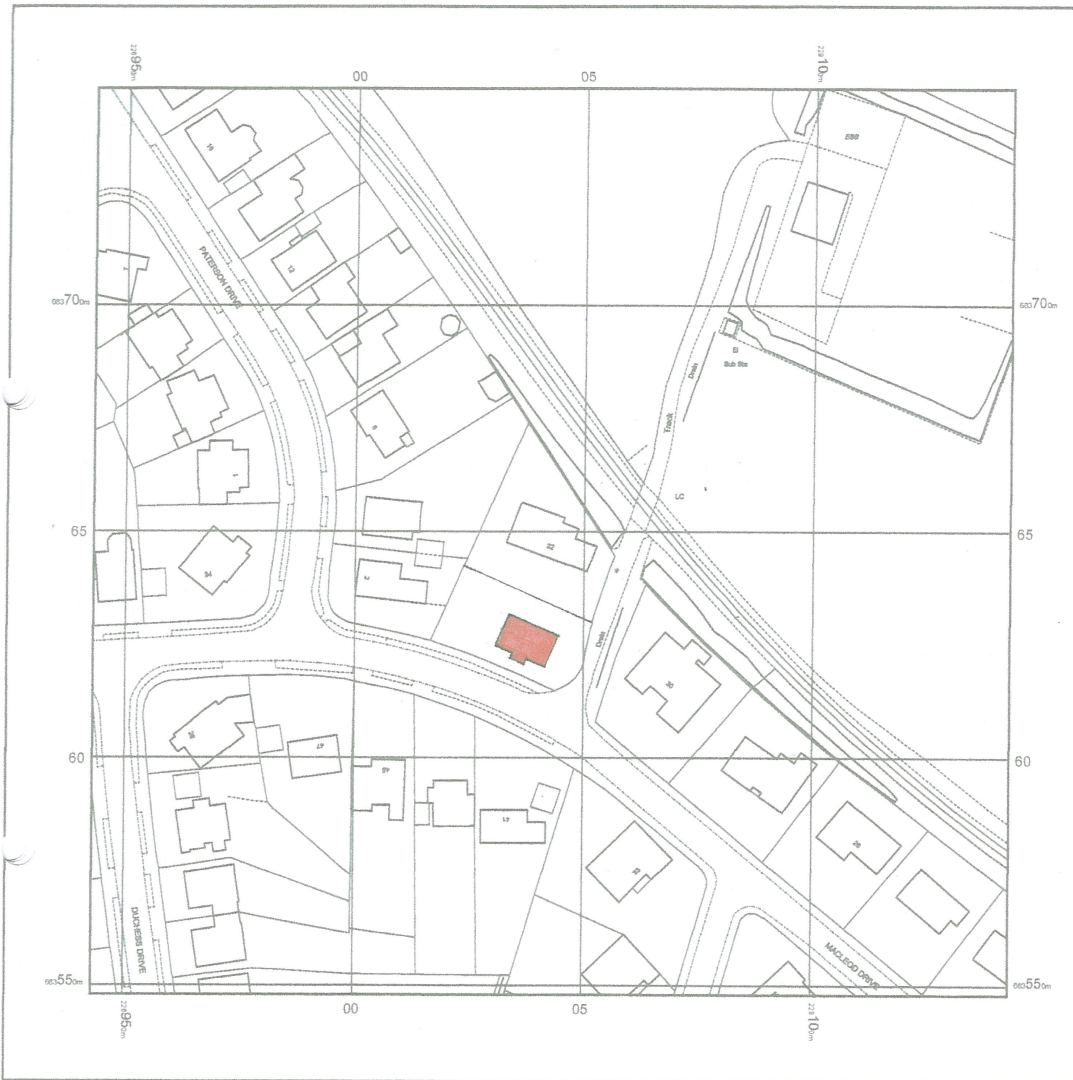
Following the meeting of the Local Review Body on 19 December 2017, I acknowledge receipt of the emails from Howard Young dated 17 January 2018 and Cameron Planning dated 15 January 2018 and I respond as follows.

1. As stated in previous correspondence, my objections over the entire period of this application have been in relation to the siting of the proposed dwelling in such close proximity to the heel of the existing footpath. This location would set the proposed dwelling house well beyond a clearly established street building line. Please refer to attached Plan A.
2. I note that Cameron Consultants presents an ordnance survey map with the areas of all adjoining plots noted and the area of the proposed site. However, in my opinion, the area of the site in this instance is of no relevance. **I would draw the attention of the Local Review Body to the fact that it is the depth of the plot from the existing footpath on Macleod Drive which creates the problem for the applicant.** There is the requirement, recognised by both the planning officials and the applicant, that the distance between the existing and proposed buildings must be a minimum of 18 metres. **The result of this requirement is that (exclusive of the necessary access steps) the new dwelling would be a mere 2.1 metres from the heel of the public footpath, making it totally out of character within the location.**
3. Approval of this application would set a dangerous precedent which the planning officials would have great difficulty defending in the future in as much that residents in Macleod Drive would have the opportunity, if they so wished, to extend beyond the established street building line.
4. This objection is not based on any emotive issues but a strong defence of the planning and character of the established streetscape. This was the opinion of the planners when they recommended refusal of this application. On this matter the planners and myself are at one in relation to the resultant unsatisfactory positioning of the proposed new dwelling.
5. **In summary, there is insufficient depth to the plot to accommodate the proposal.**

Yours sincerely

Elizabeth A B Jamieson (Mrs)

Attachment - Plan A



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PLAN 'A'

MacInnes, Hazel

From: Steven Cameron <steven@cameronplanning.com>
Sent: 31 January 2018 13:51
To: 'Liz Jamieson'; localreviewprocess; Bain, Peter (Planning); Young, Howard; roadsconshl; planningconsultations@scottishwater.co.uk; martin.henderson@networkrail.co.uk; Kathleen.ralph@virgin.net; 'Nigel Millar'; MacInnes, Hazel
Subject: RE: Proposed Additional Dwelling House at 32 Macleod Drive, Helensburgh, G84 9QU. Planning Application 16/01835/PP (amended plans). Review reference no 17/0008/LRB
Attachments: Jamieson 290118.pdf
Importance: High

I refer to Mrs Jamieson's email and enclosed letter relative to the above case. I am assuming that we are allowed to comment on the letter and would remind everyone that the Chair of the Board requested only two things, a plan showing relative plot sizes in the area and a list of proposed planning conditions should the Board be minded to approve the application. I would however respond to the points raised by Mrs Jamieson, using the numbering she has employed:

1. Building line and proximity to footpath – there is no specific Local Development Plan policy that establishes principles of building lines and whilst the proposed development does sit closer to the road than the objector's property there are numerous examples of other properties on McLeod Drive, Barclay Drive, Paterson Drive et., and throughout the estate, where dwellings are at a similar distance to the road as the proposed dwelling;
2. Mrs Jamieson states incorrectly that the Planners and the applicants recognise that there is an 18m minimum distance between properties 'rule' that the development doesn't comply with. This is incorrect. First of all there is no Local Development Plan policy that requires a minimum 18m distance between dwellings. There was historically a former Building Regulation (L10) which is no longer applicable under current Building Standards, which required that habitable rooms in different properties should be at a minimum 18m distance. The rule was in relation to habitable rooms only and the distance was calculated as a direct, square-on, level, window to window distance; the distance reduced depending level differences and off-set angles. The requirement was also waived where screening and the use of obscure glazing were employed. As regards the current application, there is no issue whatsoever as the only upper level window on the proposed dwelling is a bathroom window which will have obscure glazing; the proposed dwelling also sits lower than the existing dwelling and is off-set by a slight angle. **The key point here however is that there is no 18m distance rule and even if there was it applied to habitable rooms only, which in the case of the application is not relevant.**
3. Precedent – members will be sufficiently familiar with Planning practice to know that each planning application has to be considered on its merits; precedent is not a lawful Planning consideration;
4. Character – we remain by our previous statements in this regard.

Hopefully the Local Review Board now has sufficient information to allow the review to conclude.

Kind regards

Steven Cameron
 Cameron Planning
 29 East Argyle St.,
 Helensburgh G84 7EJ

Tel:- 07747 053070

e-mail:- steven@cameronplanning.com
www.cameronplanning.com

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

From: Liz Jamieson [mailto:lizjamieson@tiscali.co.uk]

Sent: 29 January 2018 18:52

To: localreviewprocess@argyll-bute.gov.uk; Steven Cameron <steven@cameronplanning.com>; peter.bain@argyll-bute.gov.uk; Howard Young <howard.young@argyll-bute.gov.uk>; roadsconshl@argyll-bute.gov.uk; planningconsultations@scottishwater.co.uk; martin.henderson@networkrail.co.uk; Kathleen.ralph@virgin.net; Nigel Millar <millarnc@btinternet.com>; Hazel MacInnes <hazel.macinnes@argyll-bute.gov.uk>

Subject: Proposed Additional Dwelling House at 32 Macleod Drive, Helensburgh, G84 9QU. Planning Application 16/01835/PP (amended plans). Review reference no 17/0008/LRB

I attach my comments for consideration by the LRB in relation to emails from Howard Young dated 17 January 2018 and Cameron Planning dated 15 January 2018.

Elizabeth A B Jamieson (Mrs)

Dunvegan
30 Macleod Drive
Helensburgh
G84 9QS

29 January 2018

Head of Governance and Law
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sir/Madam

**Proposed Additional Dwelling House at 32 Macleod Drive, Helensburgh, G84 9QU
Planning Application 16/01835/PP (Amended Plans)
Review Reference No 17/0008/LRB**

Following the meeting of the Local Review Body on 19 December 2017, I acknowledge receipt of the emails from Howard Young dated 17 January 2018 and Cameron Planning dated 15 January 2018 and I respond as follows.

1. As stated in previous correspondence, my objections over the entire period of this application have been in relation to the siting of the proposed dwelling in such close proximity to the heel of the existing footpath. This location would set the proposed dwelling house well beyond a clearly established street building line. Please refer to attached Plan A.
2. I note that Cameron Consultants presents an ordnance survey map with the areas of all adjoining plots noted and the area of the proposed site. However, in my opinion, the area of the site in this instance is of no relevance. **I would draw the attention of the Local Review Body to the fact that it is the depth of the plot from the existing footpath on Macleod Drive which creates the problem for the applicant.** There is the requirement, recognised by both the planning officials and the applicant, that the distance between the existing and proposed buildings must be a minimum of 18 metres. **The result of this requirement is that (exclusive of the necessary access steps) the new dwelling would be a mere 2.1 metres from the heel of the public footpath, making it totally out of character within the location.**
3. Approval of this application would set a dangerous precedent which the planning officials would have great difficulty defending in the future in as much that residents in Macleod Drive would have the opportunity, if they so wished, to extend beyond the established street building line.
4. This objection is not based on any emotive issues but a strong defence of the planning and character of the established streetscape. This was the opinion of the planners when they recommended refusal of this application. On this matter the planners and myself are at one in relation to the resultant unsatisfactory positioning of the proposed new dwelling.
5. **In summary, there is insufficient depth to the plot to accommodate the proposal.**

Yours sincerely

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MacInnes, Hazel

From: Young, Howard
Sent: 31 January 2018 16:25
To: MacInnes, Hazel
Subject: ARGYLL AND BUTE LOCAL REVIEW BODY CASE 17/0008/LRB - 32 MACLEOD DRIVE, HELENSBURGH [OFFICIAL]

Good afternoon. In terms of the above I would reiterate the points made in our previous submissions that the sub-division of this plot is not acceptable, will be visually intrusive and does not fit with the prevailing settlement pattern. Regards, Howard Young.

Howard Young, BA (Hons), MSc, MSc, M.R.T.P.I.
Area Team Leader, Helensburgh and Lomond
Civic Centre
38 Clyde Street, Helensburgh
G84 7PG
Work number: (01436) 658888
Contact Mobile number: 07557047657

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Dunvegan
30 Macleod Drive
Helensburgh
G84 9QS

31 January 2018

Head of Governance and Law
Argyll and Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sir/Madam

**Proposed Additional Dwelling House at 32 Macleod Drive, Helensburgh, G84 9QU
Planning Application 16/01835/PP (Amended Plans)
Review Reference No 17/0008/LRB**

I refer to the email from Steven Cameron of Cameron Planning dated 31 January 2018 and respond as follows using his paragraph references.

- 1 Cameron Planning state *“there are numerous examples of other properties on McLeod Drive, Barclay Drive, Paterson Drive ...and throughout the estate, where dwellings are at a similar distance to the road as the proposed dwelling”*. **However, examination of the properties on the streets referred to shows this statement to be factually incorrect.** None of these properties are as near to the heel of the public pavement as the proposed dwelling, i.e. only 2.1 metres. Most are at least 2 to 3 times this distance and are capable of having cars parked between the houses and the heel of the pavement.
- 2 I did not say that the proposed dwelling fails to comply with the required distance between it and the donor property. However, the amended plans submitted in February 2017 were in response to concerns raised in relation to the initial application. In order to attempt to overcome the window to window distance between the proposed and existing properties, the proposed dwelling has been moved 2.3 metres nearer to Macleod Drive. This results in the front porch (building line) being only 2.1 metres from the heel of the public pavement. **It is of great significance that this fact has not been correctly shown on the location plan submitted. As a result the location plan shows a false relationship between the proposed building and its surroundings and the adjoining properties.** The correct location is shown on Plan A attached to my letter dated 29 January 2018.

Yours sincerely

Elizabeth A. B. Jamieson (Mrs)

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