

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

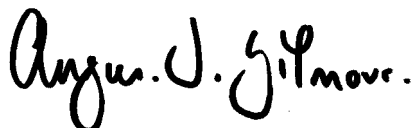
Supplementary Report

(A) FURTHER INFORMATION

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

(B) RECOMMENDATION

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



Angus J Gilmour
Head of Planning
24 November 2008

Author: Brian Close
Reviewing Officer: David Eaglesham

Date: 18 November 2008
Date: 24 November 2008

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/01077/OUT

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

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

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

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

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

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

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