

Stewart McNee (Dunoon) Ltd

Highland Avenue, Sandbank Business Park, Dunoon PA23 8PB
Tel: 01369 702578 Fax: 01369 706315



10th February 2011

Committee Services (Local Review Board)
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

For the attention of: Fiona McCallum

Dear Fiona,

Proposed Additional Storey with a Pitched Roof and External Alterations to 22 Jane Street, Dunoon, PA23 - Ref No. 11/0001/LRB

Further to your notification of the statement of case submitted by the Planning Authority I would respond as follows.

In the first instance please note that I am concerned that the statement of case has gone beyond addressing the further information that was raised in the request for review however I believe that the following should be taken into consideration in response to the statement.

I feel that the review board should be aware that the application was subject to pre-application discussions with the case officer who requested some revisions to the proposed elevations' concerning the provision of rooflights before an application is submitted. These changes were duly carried out prior to submission.

Although the application received favourable consultation responses from Public Protection and the Roads department, both of whom had no objections subject to conditions, it was refused on amenity grounds without any request from the planning service as to whether these conditions could be addressed. The Planning Authority has stated in the statement of case that the details requested in the proposed conditions were outstanding at the time of the application being recommended for refusal. This is true as we were never made aware of these consultation responses or given an opportunity to provide further information. The matters raised in the consultations can be easily dealt with (hence they were requested as conditions rather than as part of the application by the consultees) as demonstrated by the detail of the building warrant approval. We feel that had there been an opportunity for discussion and submission of information to address these matters they could have been more than adequately addressed.



SCOTTISH
BUILDING



With regards to the concern in relation to the provision of amenity space we would question exactly how much amenity space is required for a 1 bed flat, again no advice was given in this respect at pre-app or request for further information prior to the refusal of the application. Please note that there is significant public amenity spaces close by at either West Bay or the Castle Gardens. This aspect could be addressed through the inclusion of the amenity space for the property at 24 Jane Street, which as previously mentioned is owned by the applicant. There are generous garden grounds serving this property which could easily have accommodated amenity space for two 1 bed flats.

I also note that the planning authority has considered the proposal as a bad neighbour in reverse and refused primarily on these grounds. The definition of bad neighbour in the adopted local plan is as defined in Schedule 7 of the Town and Country Planning General Development Procedure (Scotland) Order 1992 within which a car mechanics is not specified as a bad neighbour. Furthermore the area is mixed in character with residential properties neighbouring the application site. The schedule does specify developments that would affect residential property by reason of fumes, noise, vibration etc as bad neighbour however we would again state that Public Protection were satisfied that these matters could be addressed by means of condition and would suggest that the case officer should have provided us with the opportunity to address these if it was deemed that they may be of a concern beyond the terms of the conditions. The planning authority have stated in the report of handling that Policy LP Bad2 is crucial in the consideration of this application however it is clear that in the consideration that the proposal constitutes bad neighbour in reverse is unfounded. We would therefore consider that it is premature and inaccurate to refuse the application on the grounds that it is contrary to policy LP Bad2 as the matters could be adequately and to the satisfaction of the consultees be controlled by conditions, or by the submission of further information if it was requested, that would have adequately addressed these concerns and resulted in the proposal complying with this crucial policy.

In summary no adverse comments were given at the pre-application stage. The consultation responses were favourable subject to conditions that could have been addressed if the opportunity was given.

Considering this we would consider that subject to appropriate conditions as suggested by the consultees the application would comply with the relevant policies of the adopted local plan and the application should therefore be approved by the review board.

Yours faithfully



Graeme Johnstone