

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: 11/01550/PP

Planning Hierarchy: Local Application

Applicant: Mr David Mooney

Proposal: Erection of dwellinghouse, installation of septic tank and formation of new access

Site Address: Plot 3 Land to the rear of Limekiln Cottage, Ferry Road, Rosneath

SUPPLEMENTARY REPORT 1

1.0 SUMMARY

The purpose of this supplementary report is to alert Members to the receipt two further letter and email contributions from the applicant, Mr Mooney and his wife, and to address a number of clarifications from the original report principally relating to the Rosneath Conservation Area.

2.0 FURTHER REPRESENTATION

An additional e-mail contribution has been submitted by the applicant, **Mr David Mooney**, on 22nd November and is summarised below:-

- *Mr. Mooney considers that Edith Boyle who is listed on the report as an objector, actually voiced an impartial view.*

Comment: Accepted inaccuracy. On review, Mrs Boyle's representation confirms she granted servitude to Mr Mooney to allow drainage for Plots 1 and 2. However, she reiterates that the deed does not include any provisions for a 3rd Plot. Giving cognisance to this, the number of representations now stands at 25 email/letters of objection, 1 neutral stance and 12 email/letters of support.

- *Mr. Mooney considers that the recommendation for a hearing only in the event that planning is accepted is completely unfair. He would like it to be known that although there are no local addresses on the letters of support, 5 of the people who supported the application will be moving into the house on Plot 2 upon its completion. He would like a hearing to be convened.*

Comment: Point noted regarding 5 of the supporters moving to Rosneath on completion of plot 2. However, there is still significant local objection to the application far exceeding this new information which is based on opinions of a single dwelling / family unit who are yet to move to the area. To this extent, the Officers retain the recommendations as outlined in Section 'O' of the original report insofar that a Hearing would only add value

should Members seek to approve the application contrary to Officer recommendations and majority of local representations.

- *Mr. Mooney considers that the Officer's report which has been compiled is incredibly one sided and points out Planning Officer Stephanie Glen had no objections to the proposal. He considers that the design of the proposed house is acceptable given the context of the plot, the site cannot be classed as overdevelopment and reiterates that Historic Scotland, Scottish Water and Biodiversity Officer have all not raised objection.*

Comment: Whilst initial Case Officer opinion's were favourable, concern was expressed during the normal audit and committee cycle / delegation process by Senior Officers who look strategically for consistency in decision making and recommendations. In the majority of circumstances where a Senior Officers note concern we would seek to negotiate a positive solution. However, the limitations of the site along with the conflicts with the settlement pattern (which are outlined in officers report) are such that an additional new dwelling is unlikely to be suitable for this location and has therefore been brought to Committee. The Officers report does confirm that the majority of statutory consultees have raised no objection to the proposal and issues such as design, impact on listed buildings and overdevelopment have been addressed in assessment.

An additional letter contribution has been submitted by the applicants wife, **Mrs Kirsty Mooney** (received 16th November 2011) and makes the following comments:

- *Mrs. Mooney considers that the proposal will enhance the site which is currently unused and is unattractive. She goes on to reaffirm that her husband has spent a great deal of time with building professionals to develop a suitably designed house for the plot and draws attention to Historic Scotlands stance of not raising an objection.*

Comment: Condition of site and content of contributions are detailed in original officers report.

- *Mrs. Mooney is surprised that as a neighbour neither her or her husband were invited to the Community Council's site visit and considers that drainage has improved since the development of plots 1 and 2 at the site. She also contests claims by objectors that Ferry Road is heavily trafficked and draws attention that no objections have been made by the Council's Roads dept.*

Comment: Content of contributions are detailed in officers original report.

3.0 CLARIFICATIONS

In the Officer's original report reference has been made to the site / plot being located within the Rosneath Conservation Area (CA). This is provided in the policy review, material considerations, settlement strategy sections of the report and is recalled in the reason for refusal.

The Officer has reviewed the boundary of the CA in advance of the PPSL meeting and has now confirmed that these references have been made in error insofar as the site does not actually lie within the Rosneath Conservation Area. To this extent, and for the avoidance of doubt all references to the CA should be disregarded.

Notwithstanding this, the assessment and recommendation are still considered to be justified / appropriate given the significant impact on the settlement pattern of Rosneath if this proposal was approved. All other aspects of the assessment and reason for refusal

are retained as per the original report in terms of impacts on plot 2, plot size, separation distances to boundaries, design, streetscape and settlement pattern.

However it is essential to clarify this position and amend the reason for refusal to exclude references to the CA. To this extent, a new reason for refusal has been afforded as below:-

The proposal would reduce the existing curtilage of the dwellinghouse occupying Plot 1 by approximately 23m in width and 290 square metres in total, as defined in implemented consent 08/00895/DET. The size and shape of the proposed plot is insufficient to accommodate a dwellinghouse in keeping with the character of the streetscape of this part of Rosneath Village. The plot of land is situated at the end of a line of 2 newly built detached dwellinghouses which are set within generous rectangular shaped plots of approximately 26 metres in width and approximately 40 metres in depth giving an area of approximately 1040 square metres. The proposed plot size would measure only 23 metres in width and 23 metres in depth giving an area of approximately 529 square metres, which around 50% smaller than curtilage of Plot No 2. The proportions and design of the dwellinghouse proposed would appear to be too large for this triangular plot, crammed to boundaries with only a 2 metre separation from boundary walls and trees, which would be out of keeping with the character of its surroundings. Consequently, the combination of the sub-division of the existing plot and the introduction of a detached dwellinghouse with smaller curtilage into a block of detached dwellinghouses with generously proportioned plots, would not be capable of being integrated satisfactorily within its surroundings, and, when juxtaposed with the existing properties would be visually discordant and would have a detrimental impact on the character and amenity of adjoining properties, the settlement pattern and the wider street scene. This would be contrary to adopted Local Plan Policies LP ENV1, LP ENV 19, LP HOU1 and Appendix A, which require that new development should integrate with its setting, should be compatible with its surroundings and respect the character of existing streetscape.

4.0 CONCLUSION

Whilst the content of these representations and grounds of clarification does not alter the department's recommendation, the planning related views made by the applicant, his wife and clarifications regarding the Conservation Area are material considerations in a determination of the proposal.

5.0 RECOMMENDATION

It is recommended that Members note the content of this supplementary report and planning permission be refused as per the original planning report dated 16th November 2011 appending the revised Reason for Refusal wording as suggested above. In the event that Members are minded to support the recommendation to refuse, then it is not considered that a discretionary hearing would add value to the process due to overwhelming number of local objectors who agree with Officer recommendation. If Members are minded to support the application contrary to recommendation, then a discretionary local hearing is recommended

Author of Report: Ross McLaughlin

Date: 22/11/2011

Reviewing Officer: Richard Kerr

Date: 22/11/2011

**Angus Gilmour
Head of Planning & Regulatory Services**