

MINUTES of MEETING of ARGYLL AND BUTE LOCAL REVIEW BODY held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD on WEDNESDAY, 27 JUNE 2012

Present: Councillor Sandy Taylor (Chair)
Councillor Rory Colville Councillor Mary Jean Devon

Attending: Charles Reppke, Head of Governance and Law (Adviser)
Hazel MacInnes, Committee Services Officer (Minute Taker)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. CONSIDER NOTICE OF REVIEW REQUEST: 134 JOHN STREET, DUNOON PA23 7BN

The Chair welcomed everyone present to the meeting and it was noted that no interested parties were in attendance.

The Chair advised that his first task would be to establish whether or not the panel felt they had sufficient information in front of them to come to a decision on the review.

Councillor Colville expressed the view that he required further information. He felt that a site visit was required. Councillor Colville made reference to a previous review heard by the Local Review Body for the adjacent building. He advised that a letter of support had been provided by ACHA in favour of the previous review which had demonstrated the availability and capacity of existing car parks in the area; he asked if it would be possible to allow the applicant the opportunity to submit this in respect of this application. He then made reference to Appendix C of the Local Plan and quoted the 6 criteria that should be taken into account when considering parking.

Councillor Taylor highlighted that in his opinion there were two issues to be looked at; the amenity surrounding the site and the available car parking. He advised that the only way to determine the review would be to visit the site to confirm the views of the Planning Officer.

Councillor Colville advised again that he thought that a letter of support could be obtained from ACHA and as he had visited the site during the previous review, was aware that there was a gap area between the ACHA site and the private site which the applicant had been looking into purchasing.

Mr Reppke advised that only in exceptional circumstances should the Local Review Body ask for new information which could assist in the

approval of an application. He added that the applicant had been put on notice and given the opportunity to provide a letter of support from ACHA and had failed to do this.

Councillor Taylor agreed with Mr Reppke in respect of the failure to submit information to the Officer.

Councillor Devon advised that it was not clear from the photographs where the parking and amenity areas were and as Councillor Colville had visited the site, he explained the site to her.

Councillor Devon highlighted that Operational Services had concerns over parking and advised that this was shown on page 31 of the agenda pack.

Councillor Colville commented that due to the town centre location of the site that the car parking conditions could be relaxed. He advised that the previous application had been approved due to this and he made reference to Appendix C of the Local Plan.

Councillor Taylor advised that the Local Review Body were here to review a judgement that had been made by Planning. He advised that a site visit should be held to look at the amenity and the parking.

Councillor Devon looked at the photographs in the agenda pack again and advised that she now felt she had sufficient information to come to a decision and did not require a site visit.

Councillor Taylor advised that in Argyll there was an average of two cars per family due to the need to travel and the lack of infrastructure in the area. He added that you could not assume that a town centre property does not require sufficient parking. He advised that as he did not know the area he would require a site visit. He added that a family living in a four bedroom property would require sufficient amenity space with a drying green. He also advised that all new houses should have all necessary provisions.

Decision

Agreed -

1. To hold an accompanied site visit to determine –
 - a) Whether the level of car parking required for the proposed two bed and four bed flats can be suitably provided and regarded as dedicated or allocated;
 - b) Whether the lack of suitable parking provision will have any impact on the surrounding residential area; i.e. existing land uses and car parking provision;
 - c) Whether the level of amenity provided is adequate for the two properties.

2. That the applicant, a representative from Roads and a representative from Planning be invited, as interested parties, to attend the site visit to answer any questions from members.
3. That the meeting of the Local Review Body be reconvened after the site visit at a suitable venue.

The meeting re-convened on Wednesday 15 August 2012 at 9.30am in Committee Room 1, Kilmory, Lochgilphead.

Present: Councillor Sandy Taylor (Chair)
Councillor Rory Colville
Councillor Mary Jean Devon

Attending: Charles Reppke, Head of Governance and Law
Iain Jackson, Governance Officer (Adviser)
Hazel MacInnes, Committee Services Officer

The Chair noted that there were no interested parties present and advised that his first task would be to establish if the Panel now felt they had sufficient information to come to a decision on the review taking into account the site visit that had been held at 134 John Street, Dunoon on 14 August 2012 at 6pm (note attached at Appendix A).

Councillor Colville and Councillor Devon both advised that they now had sufficient information available to them to come to a decision on the review.

Councillor Taylor then invited Members to express their views following the site visit.

Councillor Colville advised that following the site visit he could not see a reason why the application could not be granted as an approval. He made reference to Appendix C of LP TRAN6 and advised that following the site visit he believed that the application could satisfy some, if not all 6 criteria within this Policy.

Councillor Devon advised that the site visit had been very beneficial to her. She advised that she now had serious concerns as the plans showing available parking and amenity were different to what had been shown by the applicant during the site visit when she had asked to point out the available amenity space. The amenity space that the applicant had demonstrated during the site visit was shown as parking space on the plans. She expressed her concern over the lack of meaningful amenity space to serve a 4 bedroom flat and a 2 bedroom flat and also the shortage of parking. She advised that due to these concerns; she agreed with the recommendation by Officers to refuse the application.

Councillor Taylor advised that he had also benefited from the site visit. He advised that there were 2 key issues to be looked at; the available

parking and the available amenity space to serve a 4 bedroom flat and a 2 bedroom flat. He referred to guidelines which set out that there must be available parking within 30m of a residential property outwith a town centre which he felt was appropriate as no tenant in his opinion would be happy with having to walk further than that distance from their home to access parking. He advised that there was available parking; but the available parking currently served 12 other houses, without taking into account the proposal. He added that the main issue he had with parking was that the applicant did not have available parking space that would be designated or allocated specifically to the proposed flats.

Councillor Taylor advised that his main concern had been that the development was for two family homes that would have no available amenity space. He added that in his opinion no new house should be created without sufficient amenity space and the plans that had been submitted by the applicant had shown no available amenity space. He advised that on these terms he would not support the application.

Councillor Colville again made reference to Appendix C of LP TRAN6 and advised that the application would only need to meet one of the criteria within the Policy to be satisfactory. He advised that in his view the application met all 6 of the criteria.

Councillor Devon referred again to the severe lack of amenity space, that there were no drying greens, no bin areas, no play areas and that there was no clear answer as to where they could be accommodated and that was the main reason for her decision to agree with the recommendations by the Planning Officer.

Decision

Agreed to refuse the application by reason that the Local Review Body agreed with the reasons for refusal by the Planning Department as detailed below –

1. The intensification of the existing townhouse to incorporate a 2-bedroom flat on ground level and 4-bedroom flat on the upper levels with insufficient dedicated off-street car parking would lead to an unacceptable intensification that would result in a poor level of amenity for the proposed flats and adjoining townhouse. Furthermore, the proposed flats lack any meaningful external amenity space where the introduction of an additional flat would result in reduced amenity levels for the proposed flats in respect of aspect, access to dwellings, bin storage and car parking. Accordingly, the proposal would be contrary to Policy LP ENV19 (Development Setting, Layout and Design), including Appendix A Sustainable Siting and Design Principles and Policy LP HOU1 of the Argyll and Bute Local Plan (August 2009).

2. The lack of sufficient dedicated off-street car parking spaces to serve the proposed flats and the loss of the integral garage would only serve to exacerbate existing parking problems associated with the dwelling and proposed flat above the adjoining hall. The intensification of the existing townhouse into two separate flats would result in reduced amenity for the

proposed flats in addition to exacerbating off-street parking problems to the rear of the building and within the ACHA housing court to the rear. The shortfall of off-street car parking spaces is considered to be unacceptable and contrary to the provisions of LP TRAN 6 where the required minimum car parking standard for a 4- bedroom flat would be 3 spaces and 2 spaces for a 2-bedroom flat. Accordingly, the proposal would be contrary to Policy LP ENV 19 (Development Setting, Layout and Design), including Appendix A Sustainable Siting and Design Principles and Policy LP TRAN 6 (Vehicle Parking Provision) of the Argyll and Bute Local Plan (August 2009), including Appendix C Access and Parking Standards.

(Councillor Colville having moved an amendment which failed to find a seconder requested his dissent from the foregoing decision to be recorded)

ARGYLL AND BUTE LOCAL REVIEW BODY

**NOTE OF MEETING OF SITE INSPECTION RE CASE 12/0006/LRB
134 JOHN STREET, DUNOON – TUESDAY 14 AUGUST 2012**

In attendance: Councillor Sandy Taylor, Argyll & Bute LRB (Chair)
Councillor Rory Colville, Argyll & Bute LRB
Councillor Mary-Jean Devon, Argyll & Bute LRB
Iain Jackson, Governance and Law (Adviser)
David Eaglesham, Planning Authority
Paul Farrell, Roads and Amenity Services
Alister McAlister, Applicant

The Argyll and Bute LRB (ABLRB) agreed on 27 June 2012 to conduct a site inspection in order to determine –

- d) Whether the level of car parking required for the proposed two bed and four bed flats can be suitably provided and regarded as dedicated or allocated;
- e) Whether the lack of suitable parking provision will have any impact on the surrounding residential area; i.e. existing land uses and car parking provision;
- f) Whether the level of amenity provided is adequate for the two properties;

and to invite a representative from Planning and Roads to attend along with the Applicant to answer any questions the LRB may have in relation to these matters.

The ABLRB convened on 14 August 2012 at 134 John Street, Dunoon at 6pm.

All parties were welcomed to the site inspection and introductions were made.

Mr Jackson advised the participants on the procedure that would be followed. He advised that there would be no debate at this meeting and also no opportunity for parties to state their case.

From the inspection the ABLRB noted:-

1. the proposals for parking within the boundary of the application site;
2. the proposals for amenity space within the boundary of the application site;
3. the availability of car parking in the area around the application site.

