

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

20 June 2012

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 27 JUNE 2012** at **3:30 PM**, or at the conclusion of the Argyll and Bute Local Review Body meeting to be held at 2.30pm, whichever is the latest, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **CONSIDER NOTICE OF REVIEW REQUEST: 134 JOHN STREET, DUNOON PA23 7BN**
 - (a) Notice of Review and Supporting Papers (Pages 1 - 16)
 - (b) Comments from Interested Parties (Pages 17 - 36)
 - (c) Comments by Applicant on Interested Parties Comments (Pages 37 - 40)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville
Councillor Sandy Taylor

Councillor Mary Jean Devon

Contact: Hazel MacInnes Tel: 01546 604269

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Ref:
AB1

ARGYLL AND BUTE COUNCIL
WWW.ARGYLL-BUTE.GOV.UK/**

OFFICIAL USE

17 Feb 2012

H. Haggarty

Date Received

12/0006/LRB

NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8
of the Town and Country Planning (Scotland) Act 1997 and the Town and
Country Planning (Schemes of Delegation and Local Review Procedures
(Scotland) Regulations 2008

Important – Please read the notes on how to complete this form and use
Block Capitals. Further information is available on the Council's Website.
You should, if you wish, seek advice from a Professional Advisor on how to
complete this form.

(1) APPLICANT FOR REVIEW	(2) AGENT (if any)
Name: ALISTER MCALISTER	Name: TAYLOR HAGGARTY DESIGN
Address: 134 JOHN STREET	Address: 1A MEARNS STREET
DUNOON	GREENOCK
Postcode: PA23 7BN	Postcode: PA15 4PP
Tel. No.	Tel. No. 01475 785577
Email	Email: taylor-haggarty.design@virgin.net

(3) Do you wish correspondence to be sent to you or your agent

(4) (a) Reference Number of Planning Application: 11/02075/PP

(b) Date of Submission: 17th October 2011

(c) Date of Decision Notice (if applicable): 15TH February 2012

(5) Address of Appeal Property

134 JOHN STREET
DUNOON
PA23 7BN

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	SUBMISSION TO REVIEW BOARD
2	REFUSAL OF PLANNING CONSENT
3	DOCQUETTED DRAWINGS NUMBERED 893.01A, 893.02, 893.03A, 893.04
4	TAYLOR HAGGARTY DESIGN LETTER DATED 16 TH NOVEMBER 2011
5	TAYLOR HAGGARTY DESIGN LETTER DATED 2 ND FEBRUARY 2012
6	ARGYLL & BUTE COUNCIL LETTER DATED 8 TH NOVEMBER 2011
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

(6) Description of Proposal

Sub-division of Dwelling House to form 2 Flats and external alterations.

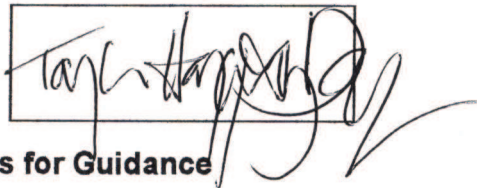
(7)

Please set out the detailed reasons for requesting the review:-

SEE ATTACHED DOCUMENT

If insufficient space please continue on a separate page. Is this is attached? (Please tick to confirm)

Submitted by
(Please Sign)



Dated

27/04/12

Important Notes for Guidance

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review UNLESS further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – www.argyll-bute.gov.uk/
4. If in doubt how to proceed please contact 01546 604331 or email localreviewprocess@argyll-bute.gov.uk
5. Once completed this form can be either emailed to localreviewprocess@argyll-bute.gov.uk or returned by post to **Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT**
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604331 or email localreviewprocess@argyll-bute.gov.uk

For official use only

Date form issued

Issued by (please sign)

134 John Street, Dunoon

Statement to Local Review Board

There are two reasons for refusal of the Planning Application outlined in the Appendix to Decision Refusal Notice attached to the Refusal Notice:-

1. Lack of amenity in respect of aspect, access to dwellings, bin storage and car parking.
2. Lack of sufficient dedicated off-street car parking spaces.

LACK OF AMENITY

The access to both flats is via a common entrance and as such is an accepted method of access which does not impact on amenity.

The aspect of the Flats is unchanged from the terraced house which it is proposed to sub-divide.

Adequate bin storage can be provided

OFF STREET CAR SPACES

We argued in our letter of 16th November 2011 that the criteria which should be applied is that arrived at by the Local Review Board in approving the Planning Consent for the adjacent Building at 140 Edward Street, Dunoon. We feel that the Review Board's findings are at odds with the comments within the paragraph 2 of the Appendix viz. *'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 Local Review Board in their Decision Notice dated 16th August 2011 in respect of Review Case 11/0003/LRB gave as the reasons for arriving at their decision :-

5.1 It was the view of the ABLRB that the application was consistent with Policy LP Env 19 and LP TRAN 6 as TRAN 6 including Appendix C of the Argyll and Bute Local Plan states that degree of flexibility will be available where firstly it can be shown by the applicant that the parking requirement can be met by existing car parks and the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area and secondly, that the development is adjacent to and well served by good public transport and pedestrian links.

5.2 It was also the view of the ABLRB that :-

(a) at the site visit it appeared that there was adequate on street parking

(b) the applicant's written submission from ACHA demonstrated the availability and capacity of existing car parks in the immediate vicinity; and

(c) the development was adjacent to and well served by good transport and pedestrian links.

Taylor Haggarty Design

2



Milton House Milton Avenue Dunoon PA23 7DU

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008

REFUSAL OF PLANNING PERMISSION

REFERENCE NUMBER: 11/02075/PP

Mr Alister McAlister
Taylor Haggarty Design
1A Mearns Street
Greenock
PA15 4PP

I refer to your application dated 17th October 2011 for planning permission under the above mentioned Act and Regulations in respect of the following development:

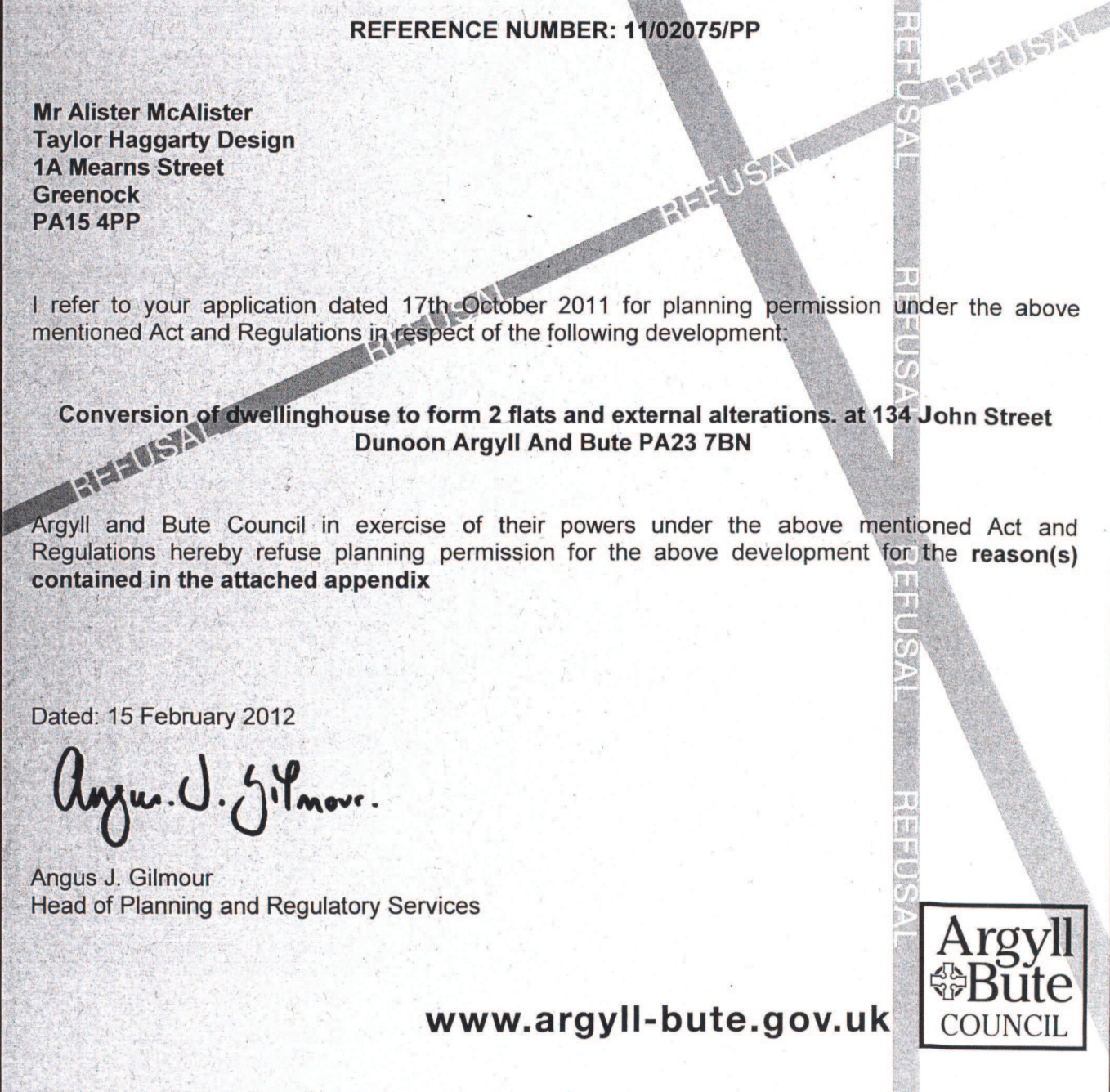
Conversion of dwellinghouse to form 2 flats and external alterations. at 134 John Street
Dunoon Argyll And Bute PA23 7BN

Argyll and Bute Council in exercise of their powers under the above mentioned Act and Regulations hereby refuse planning permission for the above development for the **reason(s) contained in the attached appendix**

Dated: 15 February 2012

Angus J. Gilmour
 Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 11/02075/PP

(A) The reasons why planning permission has been refused

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 ENV 19 (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.

(B) Submitted Drawings

For the purpose of clarity it is advised that this decision notice relates to the following refused drawings:

893.01A
893.02
893.03A
893.04

(C) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

No.

REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 11/02075/PP

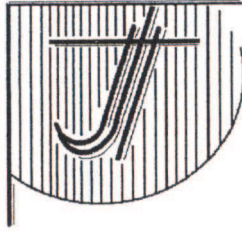
1. The intensification of the existing townhouse to incorporate a 2-bedroom flat on ground level and 4-bedroom flat on the upper levels with insufficient dedicated off-street car parking would lead to an unacceptable intensification that would result in a poor level of amenity for the proposed flats 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 ENV 19 (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.

NOTES TO APPLICANT (1) RELATIVE TO APPLICATION NUMBER 11/02075/PP

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. A Notice of Review request must be submitted on an official form which can be obtained by contacting The Local Review Body, Committee Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT or by email to localreviewprocess@argyll_bute.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state, and it cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the landowner's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

4



TAYLOR HAGGARTY DESIGN

1A Mearns Street GREENOCK PA15 4PP
e-mail

tel & fax 01475 785577
taylor-haggarty.design@virgin.net

COPY

November 16 2011

Development and Infrastructure Services
Argyll & Bute Council
Milton House
Milton Avenue
Dunoon
P23 7DU
F.A.O. Brian Close

Dear Sir,

Proposed Conversion to form 2 Flats @ 134 John Street, Dunoon
Mr. A. MacAlister

We refer to the planning application in respect of the above ref. 11/2075/PP and your letter of 8th November 2011.

We enclose 4 copies of our drawing number 893.01A amended to clarify the site boundaries and the location of the car space.

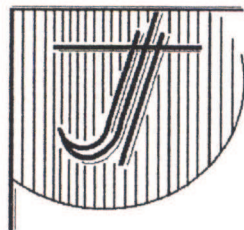
We would refer you to the recent Local Review Board Decision Notice dated 16th August 2011, in respect of the adjoining site owned by our client with particular reference to the Reason for Decision 5.1 which states 'LP Tran 6 including Appendix C of the Argyll and Bute Local Plan states that degree of flexibility will be available where firstly it can be shown by the applicant that the parking requirement can be met by existing car parks and the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area and secondly that the development is adjacent to and well served by good public transport and pedestrian links.', and 5.2 ' (a) at the site visit there was adequate on street parking; (b) the applicant's written submission from ACHA demonstrated the availability and capacity of existing car parks in the immediate vicinity; and (c) the development was adjacent to and well served by good transport and pedestrian links.' The decision supports the belief that you are mistaken in suggesting that 'As the application stands, it could potentially be refused on a shortfall of parking spaces in an area that has parking problems.'

Yours faithfully,

Taylor Haggarty Design
encls

Partner John J Taylor

5



TAYLOR HAGGARTY DESIGN

1A Mearns Street GREENOCK PA15 4PP
e-mail

tel & fax 01475 785577
taylor-haggarty.design@virgin.net

COPY

February 2 2012

Development and Infrastructure Services
Argyll & Bute Council
Milton House
Milton Avenue
Dunoon
P23 7DU
F.A.O. Brian Close

Dear Sir,

Proposed Conversion to form 2 Flats @ 134 John Street, Dunoon
Mr. A. MacAlister

We refer to the planning application in respect of the above ref. 11/2075/PP, our letter of 16th November 2011 and the Roads Department comments posted on line on 30th January 2012.

The comments assess the parking provision required based on current standards i.e. 2 car spaces for the 2 Bedroom Flat and 3 spaces for the 4 Bedroom Maisonette.

The existing 4 Bedroom House was approved with 2 spaces inclusive of the integral Garage and we would suggest the current requirement should not be more onerous.

Irrespective of the current standards requirements no reference has been in the comments to our letter of 16th November 2011 and the Local Review Board decision that LP Tran 6 including Appendix C of the Argyll and Bute Local Plan applies to this area. It follows therefore that the existing availability of offsite parking spaces should be factored in.

We await your comments

Yours faithfully,

Taylor Haggarty Design

Partner John J Taylor

**Development and Infrastructure Services**

Director: Sandy Mactaggart

Milton House, Milton Avenue, Dunoon, PA23 7DU

Tel: (01369) 708606 or 708607

Fax: (01369) 708609

Date: 8th November 2011Our Ref: 11/02075/PP
Contact: Brian Close;
Direct Line: (01369) 708604Taylor Haggarty Design
1A Mearns Street
Greenock
PA15 4PPFor the attention of John Taylor

Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 11/02075/PP;
CONVERSION OF DWELLINGHOUSE TO FORM 2 FLATS;
134 JOHN STREET, DUNOON, ARGYLL.**

With reference to the application above that was validated on 17th October 2011, the following comments are made without prejudice.

The proposal involves the loss of one car parking space as indicated in the application form. The existing car parking space shown on Drawing ref. 893.01 appears to be outwith the application site edged red and blue as shown on 1:1250 Location Plan 893.01. In order to enable a proper consideration of this proposal against current Council parking standards, I would request that full details are provided to indicate parking provision for both proposed flats and these spaces should be contained within the red line boundary.

As the application stands, it could potentially be refused on a shortfall of parking spaces in an area that has parking problems.

I therefore look forward to receiving accurate plans and a written description of the 'as existing' and 'as proposed' car parking arrangements for consideration.

If I do not hear from you by no later than 18th November 2011, this application will be determined as submitted with an appropriate recommendation. Should you wish to further discuss these proposals, please do not hesitate to contact me at the number above (or on brian.close@argyll-bute.gov.uk).

Yours faithfully

Planning Officer
Development Management
Bute and Cowal

Argyll and Bute Council
 Planning and Regulatory
 Services

Application ref no: 11/02075/PP
 Date received: 11/11/11
 Plan no: 1/4
 P.O. initials: [initials]



17 NOV 2011

AMENDED PLAN
 Reference to: 11/02075/PP
 Date Received: 17/11/11

THIS IS THE PRINCIPAL NAME COPY OF THE DRAWING REFERRED
 TO IN THE APPLICATION FOR PLANNING PERMISSION

DATED: [signature]
 SIGNED: [signature]
 A. MacLellan esp.

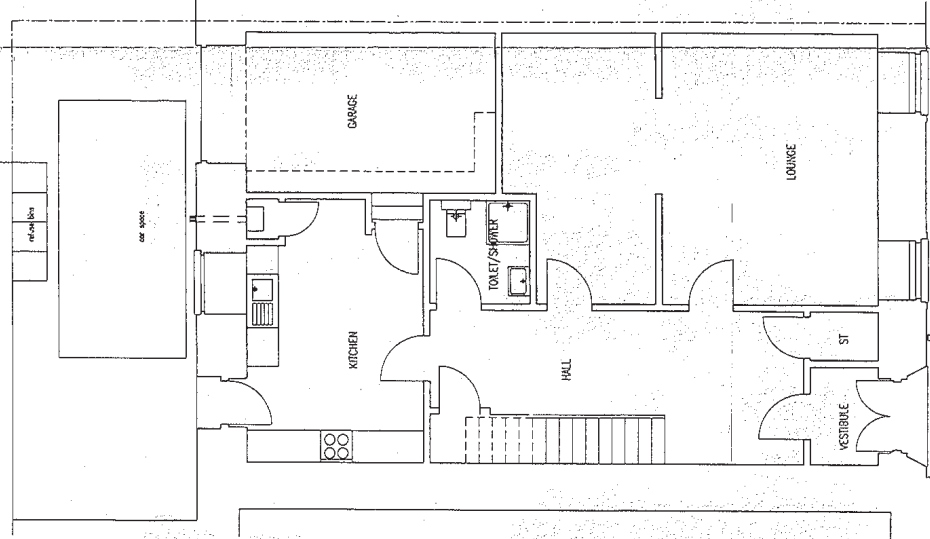
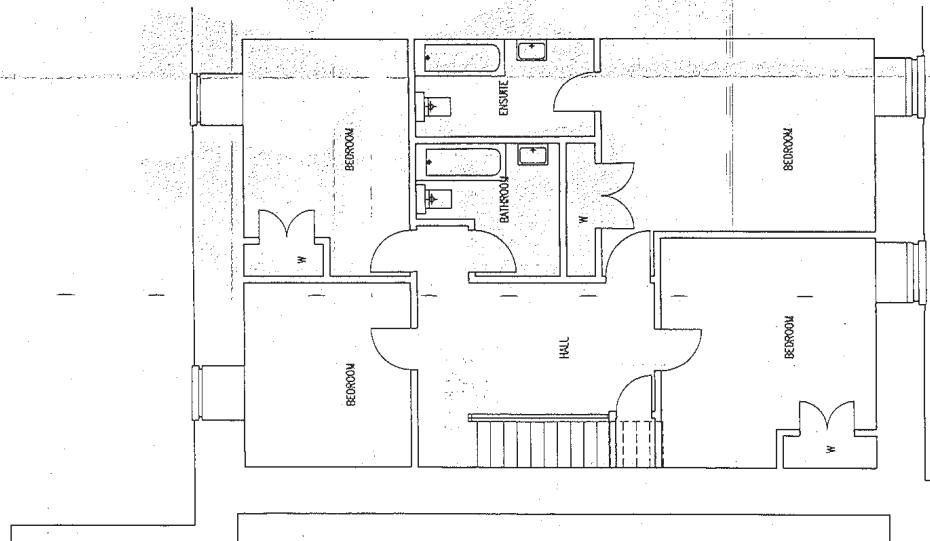
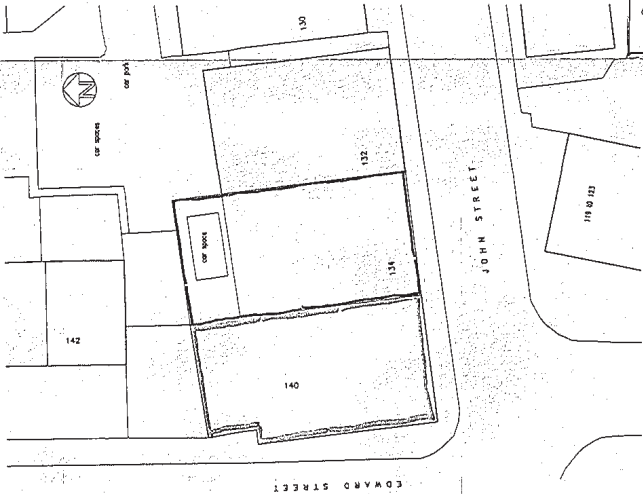
Proposed Sub-division
 to form 2 Flats at
 134 John Street, Dunoon

EXISTING PLANS

TAYLOR HAGGARTY DESIGN
 14 Main Street, Dunoon, Argyll & Bute, PA46 6PP
 Email: info@taylorhaggartydesign.co.uk

893.01A Scale: 1/50 November 11

Argyll and Bute Council
 Refused by PLANNING AUTHORITY
 Relative to application No: 11/02075/PP
 Date: 15 FEB 2012
 Head of Planning and Regulatory Services
 [signature]



Argyll and Bute Council
Planning and Regulatory
Services

Application ref no: 11026752P
Date received: 11/11/11
Plan no: 24
PC Initials: S

THIS IS THE ORIGINAL AS TRUE COPY OF THE DRAWING REFERRED TO IN THE APPLICATION FOR PLANNING PERMISSION

DATE 13/10/11
DRAWN Taylor Haggarty Design
A. MacAlister esp.

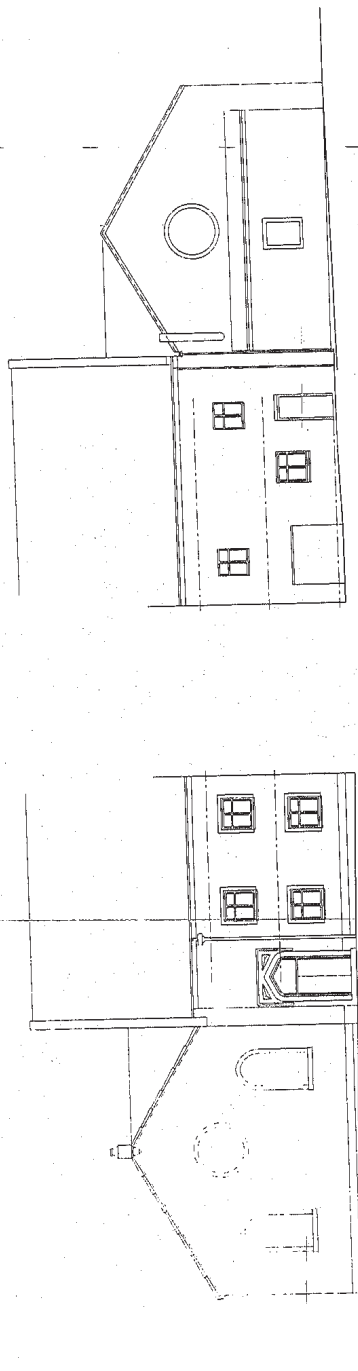
Proposed Sub-division
to form 2 Flats at
134 John Street, Dunoon

EXISTING SECTION
AND ELEVATIONS

TAYLOR HAGGARTY DESIGN
Chartered Architects
1A Murray Street GLENCOCK GATEWAY
Glenelg Road Glasgow G3 7JF Scotland

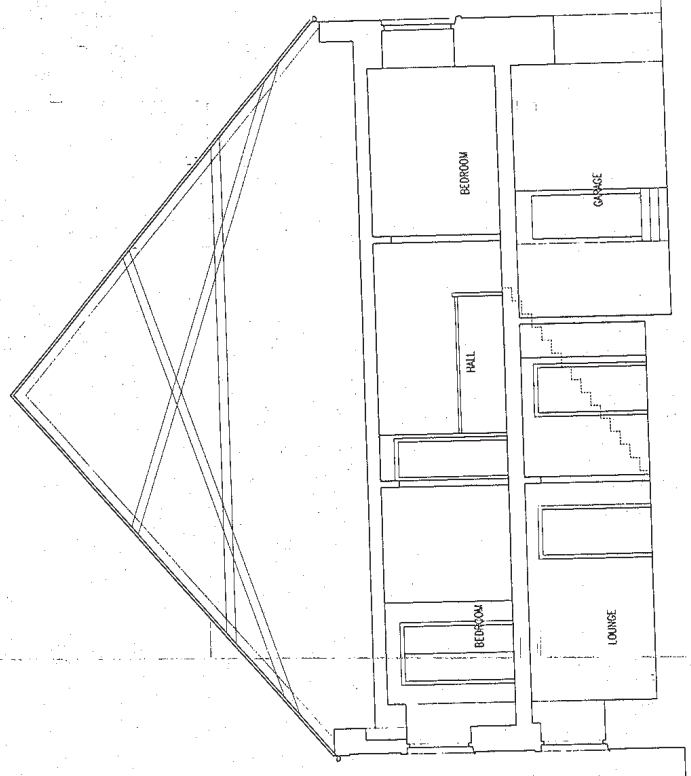
893.02 Scale: 1/25th 1/100

ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No: 11026752P
Date: 15 FEB 2012
Head of Planning and Regulatory Services



REAR ELEVATION

ELEVATION TO JOHN STREET



CROSS SECTION

PLANNING NOTES
1. The work comprises the sub-division of the existing limited house, to form 2 flats, including the extension into the existing roof space and the extension of the roof above.

Argyll and Bute Council
Planning and Regulatory Services

Application ref no.: 11022/15/PP
Date received: 11/01/15

Plan no.: 817
PO. Initials: /

THIS IS THE ORIGINAL A TRUE COPY OF THE DRAWING REFERRED TO IN THE APPLICATION FOR PLANNING PERMISSION

DATE 13/6/11
SENT Taylor Haggarty Design

A. MacFater esq.

Proposed Sub-division to form 2 Flats at 134 John Street, Dunoon

PLANS AS PROPOSED

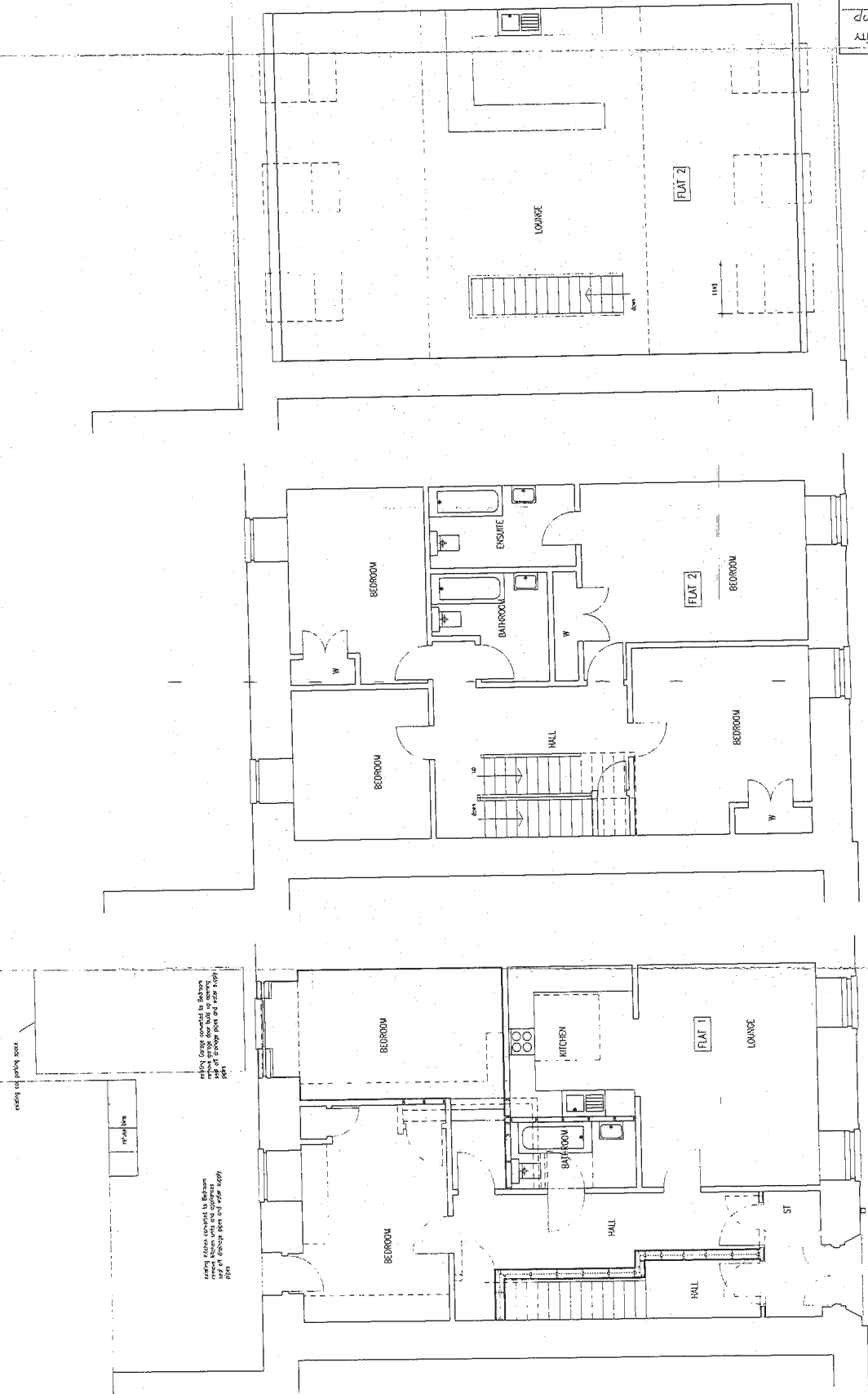


TAYLOR HAGGARTY DESIGN
18 Marine Street, Oban, Argyll and Bute, PA34 6PP
e: taylor.haggarty@taylorhaggarty.com

893.03A Scale: 1/50

September 11

Argyll and Bute Council
Refused by PLANNING AUTHORITY
Relative to Application No. 11022/15/PP
Taylor Haggarty Design
Head of Planning and Regulatory Services
15 FEB 2012



ATTIC FLOOR PLAN

FIRST FLOOR PLAN

GROUND FLOOR PLAN

existing garage converted to bedroom
removed above units and roof extension
to garage space and roof above
PP21

existing garage converted to bedroom
removed above units and roof extension
to garage space and roof above
PP21

existing car parking space

existing car parking space

FLAT 1

FLAT 2

FLAT 2

Argyll and Bute Council
Planning and Regulatory
Services

Application ref no: 11022751pp
Date received: 11/04/11
Plan no: 4/1
P.O. Initials: [initials]

THIS IS THEREAFTER A TRUE COPY OF THE DRAWING REFERRED
TO IN THE APPLICATION FOR PLANNING PERMISSION

DATED 13/06/11
SIGNED Taylor Haggarty Design

A. Woodruff ESQ.

Proposed Sub-division
to form 2 Flats at
134 John Street, Dunoan

PROPOSED SECTION
AND ELEVATIONS



TAYLOR HAGGARTY DESIGN

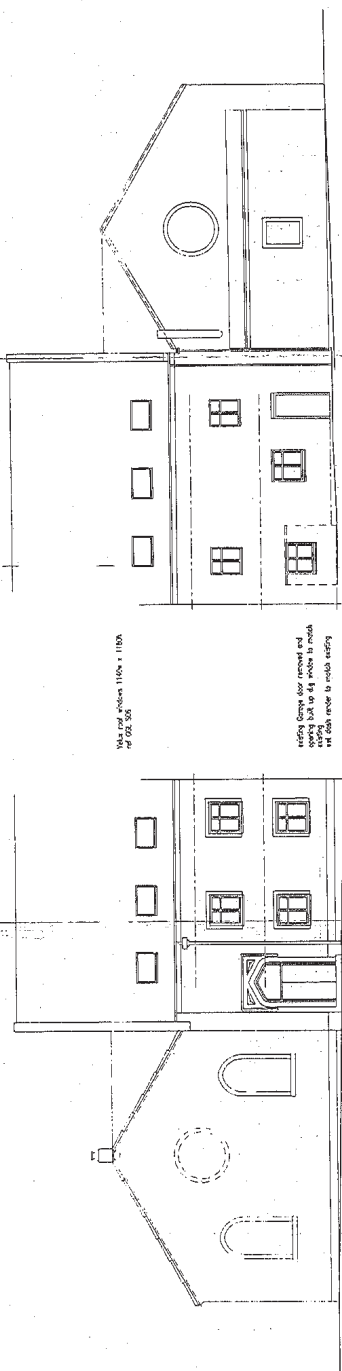
14 Market Street GLENDORA PA15 9PP
Email: info@taylorhaggartydesign.co.uk

893.04

Scale: 1/50

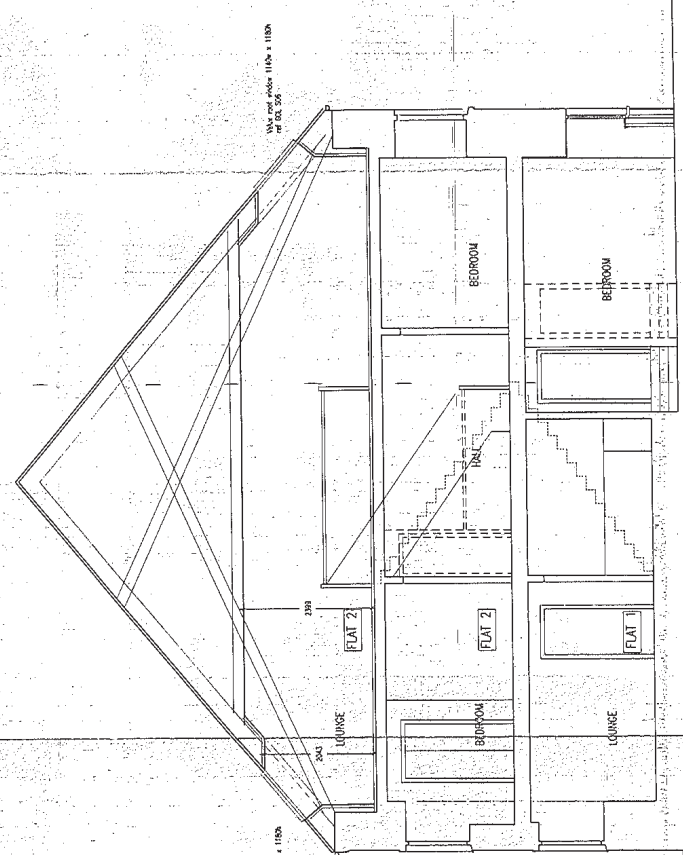
Sheet: 1/1

Argyll and Bute Council
Released by PLANNING AUTHORITY
Relative to application no: 11022751pp
Signed: [Signature]
Head of Planning and Regulatory Services
15 FEB 2012



ELEVATION TO JOHN STREET

REAR ELEVATION



CROSS SECTION

**STATEMENT OF CASE
FOR
ARGYLL AND BUTE COUNCIL
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR CONVERSION OF
DWELLINGHOUSE TO FORM 2 FLATS AND EXTERNAL
ALTERATIONS;
134 EDWARD STREET, DUNOON, ARGYLL PA23 7BN.**

APPEAL REF. NO. 12/00007/REFPLA

LOCAL REVIEW BODY REF. 12/00006/LRB

**PLANNING PERMISSION APPLICATION
REFERENCE NUMBER 11/02075/PP**

15 May 2012

STATEMENT OF CASE

The planning authority is Argyll and Bute Council ('the Council'). The appellant is Alister McAlister.

An application for planning permission (ref. 11/02075/PP) for conversion of dwellinghouse to form 2 flats and external alterations at 134 Edward Street, Dunoon ('the appeal site') was refused under delegated powers on 15 February 2012. The planning application has been appealed and is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The subject of this application is a two-storey, four bedroom townhouse within a townhouse conversion on John Street close to the junction with Edward Street. The townhouse forms the westernmost unit of a 2 dwelling conversion from a previous church hall and is the home of the appellant. The smaller attached hall to the west was converted to a karate hall following approval in 1992 and a recent proposal to convert this hall to provide a flat at upper level was approved by the Local Review Body in 1997.

The townhouse has a slated pitch roof with stone clad walls on the front elevation and render on the rear elevation. The townhouses have integral garages to the rear (north) for one car space each but these are not normally in use and cars are parked in front of these garages on limited amenity space.

To the rear (north) of the subject premises lies a two-storey housing court that is owned by ACHA with some in private ownership. Access to this housing court and the rear of the townhouses is from John Street with vehicular access east of Marshalls Furniture showroom. This housing development has communal car parking areas (unallocated) for the residents.

SITE HISTORY

97/00948/COU change of use of hall to 2 houses withdrawn 28 July 1997;

97/01136/COU change of use of sports hall to form two dwellinghouses granted 2 September 1997 and implemented; these townhouses were approved with one integral garage each which was below the recommendation by the Area Roads Manager at that time requiring 2 spaces for each dwelling.

03/02041/VARCON removal of condition 2 of permission 97/01136/COU in relation to obscure glazing on bedroom windows withdrawn 1 April 2004;

03/02087/NMA non-material amendment for installation of UPVC windows (relative to application 97/01136/COU) approved 4 February 2004;

04/00536/VARCON variation of condition 2 and 3 of permission 97/01136/COU in relation to window type and glass type used granted 22 April 2004.

[Related applications for the attached smaller larger hall (that was converted into a sports hall) include:

92/00700/COU change of use to form sports centre from church building granted 28 October 1992.

An application (ref. 09/00962/COU) for the demolition of extension and alterations to hall to create one flat on upper level with car parking space and external alterations was refused under Delegated Powers on 29 September 2009 due to unsatisfactory parking arrangements but approved by the Local Review Body on 16 August 2011.

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

STATEMENT OF CASE

Argyll and Bute Council considers the determining issues in relation to the case are as follows:-

- Whether the level of car parking required for the proposed 4-bed and 2-bed flats can be suitably provided and regarded as dedicated or allocated;
- Whether the lack of any suitable parking provision will have any impact on the surrounding residential area i.e. existing land uses and car parking provision;
- Whether the level of amenity provided is adequate for the two flats.

The Report of Handling [Production 1] sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. The consultation comments submitted by Roads as a statutory consultee [Production 2] are attached for the purpose of clarity.

REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised were covered in the Report of Handling which is contained in the Appendix. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANT'S SUBMISSION

Having regard to the detailed reasons for requesting the review set out in part (7) of the appellants' submission the following summary points are noted in response to the appellant's comments:

1. *Lack of Amenity*

The applicant's agent states that the access to both flats is a common entrance and as such is an accepted method of access which does not impact on amenity. The aspect of the flats is unchanged from the terraced house which it is proposed to sub-divide. Adequate bin storage can be provided.

Comment: The issue of access is irrelevant. Lack of amenity refers to the provision of external amenity spaces and provision of secure bin storage areas. The main issue in this respect is that the agent has not clearly demonstrated the amount of existing and proposed amenity space for the existing 4-bed townhouse and proposed 4-bed flat and 2-bed flat. On the basis of the limited information submitted, it is considered that the proposal will lead to an intensification on the existing limited amenity space to the detriment of both proposed flats.

2. *Off-Street Car Spaces*

The agent states that "we argued in our letter of 16 November 2011 that the criteria which should be applied is that arrived at by the Local Review Board (sic) in approving the planning consent for the adjacent building at 140 Edward Street. We feel that the Review Board's findings are at odds with the comments within the paragraph 2 of the Appendix viz. '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 exiting parking problems associated with the dwelling and proposed flat above the adjoining hall'.

The agent mentions the Local Review Body's decision by allowing a degree of flexibility where it can be shown by the applicant that the parking requirement can be met by existing car parks and the demand for parking in connection with the development will not coincide with the peak demand from the other land uses in the area and that the development is adjacent to and well served by good public transport and pedestrian links. The agent also states that the Local Review Body thought there was adequate car parking at the site visit, the applicant's written submission from ACHA demonstrated the availability and capacity of existing car parks in the immediate vicinity and that the development was adjacent to and well served by good transport and pedestrian links.

Comment: Notwithstanding the agent's comments, it would appear that the Local Review Body previously granted planning permission for a flat above the karate hall on the basis that the residential works were required to fund necessary improvements to the karate hall (which itself had no dedicated off-street car parking). The Local Review Body also considered that proximity to the town centre and 'surplus' car parking spaces apparently agreed and offered by ACHA in the backcourt area, removed any requirement for any additional car parking.

In this instance however, the applicant has relied solely on the previous comments by the Local Review Body and has not demonstrated a similar need for dedicated off-street car parking to support two private flats which is a materially different proposal to the previous scheme. Whilst approving the previous scheme for a flat above the hall on its individual merits (where notably the continued recreational use of the hall which was in poor condition was a significant factor), the Local Review Body overruled in that particular case but did not dismiss

the Council's adopted policy LP TRAN6 of the Argyll and Bute Local Plan including Appendix C: Access and Car Parking Standards to assess any future proposals against. As the site lies within the settlement zone of Dunoon outwith the town centre zones, normal car parking standards for residential flats (i.e. 2 spaces per 2/3 bed unit and 3 spaces per 4 bed unit) have been requested by the Area Roads Engineer, fully consistent with policy criteria contained in Policy LP TRAN6 (including Appendix C: Access and Parking Standards) of the adopted Argyll and Bute Local Plan. No special circumstances have been cited this time around by the applicant's agent where ACHA's previous comments regarding '*surplus*' car parking spaces still appears contrary to the actual parking scenario (at peak times) but not demonstrated or justified at all by the applicant.

In this regard, it is also interesting to note that the Local Review Body held their appeal inspection on Monday 27 June 2011 at 10.30 am at a time when many residents were at work and fewer cars were parked in the communal areas. On subsequent visits to the site at later times of the day, this car parking court is well used by residents and few '*surplus*' spaces are available. Parking for the existing townhouses also appears to be random [Production 3]. The agent has submitted no supporting information or surveys on existing or proposed car parking trends and no supporting letter from ACHA has been submitted. For the previous appeal, it was stated by this department that a letter of acceptance from ACHA to release '*surplus*' parking spaces would not in itself constitute planning permission and that these spaces need to be shown within the red line boundary of the application site and neighbour notified accordingly. This was not done for the previous application or for the current scheme where the provision of available dedicated car parking spaces has not been clearly demonstrated.

Additionally, and in terms of establishing a dangerous precedent, any future residential proposals for development or redevelopment in the surrounding area would be subject to the car parking (and housing amenity) standards set out in the adopted Argyll and Bute Local Plan. With no apparent justification, it would appear unreasonable why this particular development should be regarded as an exception to policy in an area with existing car parking problems.

CONCLUSION

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The attached Report of Handling [Production 1] clearly details why planning permission could not be supported due to the lack of suitable dedicated car parking and amenity space. The supporting documentation offers clear advice that the proposed flats requires 'allocated' car parking together with a reasonable justification in terms of existing and proposed car parking trends.

On the basis of all of the above, the department considers that the applicant's agent was properly advised during the course of this application as to what was required to address the parking deficiency [Production 4]. This has not been done and the department feels that it was correct to expect the requisite number of 'allocated' off-street car parking spaces for the two flats and accordingly refuse the application under the terms of policies LP ENV19 and LP TRAN 6 of the Argyll and Bute Local Plan (2009). Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

APPENDICES

Production 1 Report of Handling dated 14 February 2011;

Production 2 Consultation comments from Roads dated 30 January 2012;

Production 3 Photographs of the appeal site and car parking court (14th December 2010 & 15 November 2011);

Production 4 Letter to agent dated 8 November 2011;

Argyll and Bute Council
Development and Infrastructure Services

Delegated 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.

Reference No: 11/02075/PP
Planning Hierarchy: Local application
Applicant: Alister McAlister
Proposal: Conversion of dwellinghouse to form 2 flats and external alterations.
Site Address: 134 John Street, Dunoon, Argyll

DECISION ROUTE

(i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**

(A) THE APPLICATION

- (i) **Development Requiring Express Planning Permission**
Conversion of townhouse to provide two separate flats;
External alterations.
 - (ii) **Other specified operations**
Connection to public water main and public wastewater system.
-

(B) RECOMMENDATION:

It is recommended that planning permission be refused for the reasons set out below.

(C) HISTORY

92/00700/COU change of use to form sports centre from church building granted 28th October 1992. This permission related to the entire former Baptist Church buildings that comprised two halls. Only the smaller hall (i.e. the karate club) was converted for use as a sports hall.

97/00948/COU change of use of hall to 2 houses withdrawn 28th July 1997;

97/01136/COU change of use of sports hall to form two dwellinghouses granted 2nd September 1997;

03/02041/VARCON removal of condition 2 of permission 97/01136/COU in relation to obscure glazing on bedroom windows withdrawn 1st April 2004;

03/02087/NMA non-material amendment for installation of UPVC windows (relative to application 97/01136/COU) approved 4th February 2004;

04/00536/VARCON variation of condition 2 and 3 of permission 97/01136/COU in relation to window type and glass type used granted 22nd April 2004.

Both dwellinghouses within the larger hall have been constructed and occupied with one integral garage for each.

Related applications for the attached smaller hall (converted to a sports hall) include:

An application (ref. 09/00962/COU) for the demolition of extension and alterations to hall to create one flat on upper level with car parking space and external alterations was refused on 29th September 2009 due to unsatisfactory parking arrangements.

An application (ref. 10/01623/PP) for the demolition of extension and alterations to hall to create flat on upper level with car parking space and external alterations was refused on 15 February 2011 but a subsequent appeal to the LRB (ref. 11/00004/REFPLA) was upheld and planning permission granted.

(D) CONSULTATIONS:

Roads – Bute and Cowal (responses dated 30 January 2012, 13 February 2012):
Recommend that application be deferred to allow the applicant to make more provision for off-street car parking spaces in line with current standards. As no additional spaces are provided the application is refused

(E) PUBLICITY: None.

(F) REPRESENTATIONS:

No letters of representation have been received.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) Environmental Statement:** No.
- (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No.
- (iii) A design or design/access statement:** Yes

The agent submitted a letter dated 16 November 2011 in support of the proposal and refers to the Local Review Board (sic) decision notice dated 16 August 2011 in respect of the adjoining site owned by his client with particular reference to the reason for decision 5.1 which states LP TRAN6 including Appendix C of the Argyll and Bute Local Plan states a degree of flexibility will be available where firstly it can be shown by the applicant that the parking requirement can be met by existing car parks and the demand for parking in connection with the development will not coincide with the peak demand for parking in connection from the other land uses in the area and secondly that the development is adjacent to and well served by good public transport and pedestrian links. Additionally, his client's written submission from ACHA demonstrated the availability and capacity of existing car parks in the immediate vicinity and that the development was adjacent to and well served by good transport and pedestrian links.

The agent submitted a further letter dated February 2 2012 in support of the proposal. With reference to the parking provision required based on current

standards i.e. 2 car spaces for the 2-bed flat and 3 spaces for the 4-bed maisonette, the existing 4-bed house was approved with 2 spaces inclusive of the integral garage and would therefore suggest that the current requirement should not be more onerous. Irrespective of current standards and requirements, no reference has been made to our letter dated 16th November 2011 and the Local Review Board (sic) decision that LP TRAN6 including Appendix C of the Argyll and Bute Local Plan applies to this area. It follows that the existing availability of off-site parking spaces should be factored in.

(iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: No.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: No.

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No.

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

*Argyll and Bute Local Plan (August 2009)
Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;
LP HOU 1 General Housing Development;
Policy LP TRAN 6 Vehicle Parking Provision including Appendix C Access and Car Parking Standards.*

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009. n/a

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No.

(L) Has the application been the subject of statutory pre-application consultation (PAC):No.

(M) Has a sustainability check list been submitted: No.

(N) Does the Council have an interest in the site: No.

(O) Requirement for a hearing (PAN41 or other): No.

(P) Assessment and summary of determining issues and material considerations

Background

Planning permission (ref. 97/01136/COU) to change the use of sports hall to form two dwellinghouses was granted on 2nd September 1997. These 4-bedroom dwellinghouses were designed with only one integral garage each that (although this was below the required 2 spaces per dwelling requested by Roads) was considered by the department to offer an acceptable standard of off-street parking provision at that time associated with the conversion of the former church buildings.

The adjoining premises are currently in use as a karate hall after the former church hall was converted following approval in 1992 (ref. 92/00700/COU). At that time no car parking was provided and on-street car parking was judged sufficient given the former use of the building as a church.

Planning permission (ref.10/01623/PP) to create a flat on the upper level of the hall with no off-street car parking provided was recently upheld by the Local Review Body who deemed that car parking was available in the vicinity while the proposal was considered necessary by the applicant to improve the hall as a sports facility.

Site and Surroundings

The proposal relates to a two-storey, four bedroom townhouse within a townhouse conversion on Edward Street close to the junction with Edward Street. The subject premises forms one of two townhouses and a karate hall that were created from the former church buildings. The townhouse has a slated pitch roof with stone clad walls on the front elevation and render on the rear elevation. The townhouses have integral garages for one car space each but these are not normally in use and cars are parked in front of these garages.

To the rear (north) of the subject premises lies a two-storey housing court that is owned by ACHA with some private owners. Access to this housing court and the rear of the townhouses is from John Street with vehicular access east of Marshalls Furniture showroom.

Proposal

The proposal involves the conversion of the townhouse adjoining the karate hall to two separate flats. It is proposed to create a two-bedroom flat on the ground floor that will involve the conversion of the existing integral garage. It is also proposed to create a larger 4-bedroom flat on the first floor and attic space.

External alterations include the removal of the integral garage door to be blocked up to create a window opening from the new bedroom. Six rooflights are proposed in the attic space with three on each roof slope.

Only one car parking space is proposed for both flats and this would be located in front of the existing integral garage.

Assessment

The Area Roads Manager has recommended that the application be deferred until the applicant can demonstrate that off-street car parking provision can be provided in line with current standards. Only one space is proposed where the requirement is 3 spaces for a four-bedroom unit and 2 spaces for a two-bedroom unit under current standards. Whilst the application form states two existing spaces, only one is shown. Roads consider that there is a shortfall of dedicated car parking spaces to support the proposal.

Notwithstanding the recent decision by the Local Review Body to grant permission for a flat above the karate hall, that proposal was considered to be a different situation to the current proposal. The previous proposal related to necessary works to improve the sports hall where off-street car parking was not required due to the former use of the

building as a church, but dedicated parking was required for the flat above the hall. A justification was made by the applicant that car parking was available within the ACHA housing development to the rear of the hall to provide car parking for the additional flat. The LRB accepted this argument on the basis of one additional flat above the hall and the requirements to improve the hall that they felt outweighed current policy guidelines on car parking standards.

The current proposal is somewhat different in that planning permission was granted originally for two 4-bed townhouses (i.e. 8 bedrooms in total) with only one integral garage for each townhouse. This was below the requirement for two spaces for each dwelling required by Roads at that time but was considered acceptable given the conversion of the former church buildings with no scope to provide additional car parking. The current proposal now intends to create a total of 6 bedrooms (i.e. 2 beds in lower flat and 4 beds in upper flat) within the building. This also means that the adjoining 4-bed townhouse of 4-bedrooms will result in a total of 10 bedrooms for three dwellings with only one integral garage and one external unallocated car parking space to serve them all. Under current Argyll and Bute Local Plan car parking standards in Policy LP TRAN 6 and Appendix C, the new 4-bed unit would require 3 spaces and the new 2-bed unit 2 spaces requiring a total of 5 spaces where only one unallocated space would remain once the integral garage is converted to residential accommodation.

No other external car parking spaces have been provided or suggested and no justification has been made in respect of using some of the ACHA car parking to the rear which is used by ACHA's tenants and private owners.

The supporting statement submitted by the agent cannot be borne out as being similar to the recent proposal as it is no more than an intensification of the townhouse units and exacerbating an existing car parking problem. Additionally, the townhouses lack any external amenity space and the introduction of an additional flat would also increase the conflict within the rear service area.

Given the above, it is considered that the shortage of dedicated off-street car parking as a result of an intensification of the existing townhouse 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 housing court to the rear. Accordingly, the proposal would be contrary to Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles, LP HOU 1 and LP TRAN 6 Vehicle Parking Provision of the Argyll and Bute Local Plan (August 2009).

Conclusion

The intensification of the existing townhouse to incorporate a two-bedroom flat on ground level and 4-bed flat on the upper levels would lead to an unacceptable intensification that would result in reduced amenity for the proposed flats and adjoining townhouse and exacerbate existing parking problems in the rear courtyard area to the detriment of all users of this shared area.

The proposal would be contrary to policies LP ENV 19, LP HOU1 and LP TRAN 6 (including Appendix C Access and Parking Standards) of the Argyll and Bute Local Plan (August 2009) and does not justify the grant of planning permission.

(Q) Is the proposal consistent with the Development Plan: No.

(R) Reasons why planning permission or a Planning Permission in Principle should be refused.

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 ENV 19 (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.

(S) Reasoned justification for a departure from the provisions of the Development Plan
n/a

(T) Need for notification to Scottish Ministers or Historic Scotland: No.

Author of Report: Brian Close

Date: 14 February 2011

Reviewing Officer: David Eaglesham

Date: 14 February 2011

Angus Gilmour
Head of Planning & Regulatory Services

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 11/02075/PP

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 ENV 19 (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.

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**OPERATIONAL SERVICES
BUTE & COWAL AREA
OBSERVATIONS ON PLANNING APPLICATION**

Planning No: 11/02075/PP/RevA130212
Contact: FARRELL PR
Tel: 01369708600
Received: 12/11

Grid Reference: NS1675

Dated: 12/11

Applicant: Mr A MacAllister
Proposed Development: Conversion of dwelling to 2 flats
Location: 134 John St Dunoon
Type of Consent: Detailed
Ref No(s) of Drg(s) submitted: Location & Site Plans and details (3)

RECOMMENDATION	REFUSE	
Proposals Acceptable Y or N	Proposals Acceptable Y or N	Proposals Acceptable Y or N
1. General	3. New Roads N/A	4. Servicing & Car Parking
(a) General impact of development	(a) Widths	(a) Drainage
(b) Safety Audit Required	(b) Pedestrian Provision	(b) Car Parking Provision
Traffic Impact Analysis	(c) Layout (Horizontal/ Vertical alignment)	(c) Layout of Parking Bays/ Garages
Flooding Assessment	(d) Turning Facilities (Circles/Hammerheads)	(d) Servicing Arrangements/ Driveways
2. Existing Roads	(e) Junction Details (Locations/Radii/Sightlines)	5. Signing N/A
(a) Type of Connection (Road Junct/Footway Crossing)	(f) Provision for PU	(a) Location
(b) Location(s) of Connection(s)		(b) Illumination
(c) Sightlines 42 X 2.4 m		
(d) Pedestrian Provision		

Item Ref	COMMENTS
	This development is located on John St Dunoon within a residential area. The existing dwelling has 1no. integral parking space. The application states a second space but does not provide location. The 4 bedroomed unit would require 3 no. parking spaces under current standards. The change to 2 bedroomed flat and 4 bedroomed flat will require 2 and 3 spaces respectively. This leaves a short fall of 3 spaces even considering the current 1 off street and 2 on street parking for existing without considering the 2 nd unlocated space. If this space is included it would still reduce the shortage to 2no. spaces. As no additional spaces are provided the application is refused

Item Ref	REASONS FOR REFUSAL/CONDITIONS
4a	. The existing dwelling has 1no. integral parking space. The application states a second space but does not provide location. The 4 bedroomed unit would require 3 no. parking spaces under current standards. The change to 2 bedroomed flat and 4 bedroomed flat will require 2 and 3 spaces respectively. This leaves a short fall of 3 spaces even considering the current 1 off street and 2 on street parking for existing without considering the 2 nd unlocated space. If this space is included it would still reduce the shortage to 2no. spaces. No parking spaces are detailed for this application which will from the Guidelines produce an increase in demand of same. As such this application is refused.

Notes for Intimation to Applicant

(i) Construction Consent (S21)*	Not Required
(ii) Road Bond (S17)*	Not Required
(iii) Road Opening Permit (S56)*	Not Required

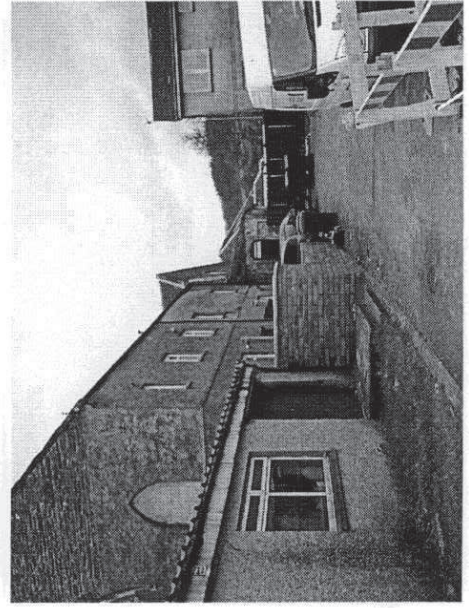
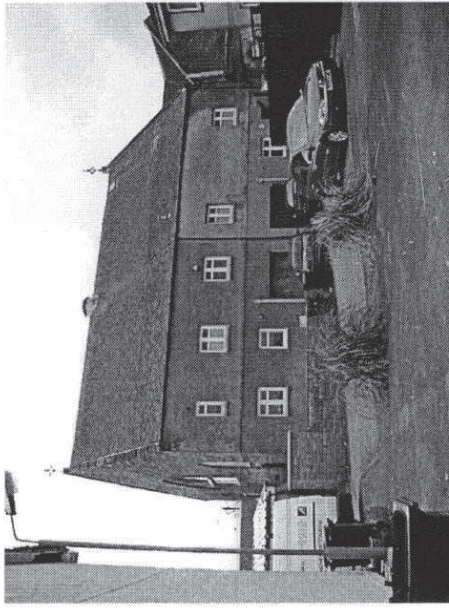
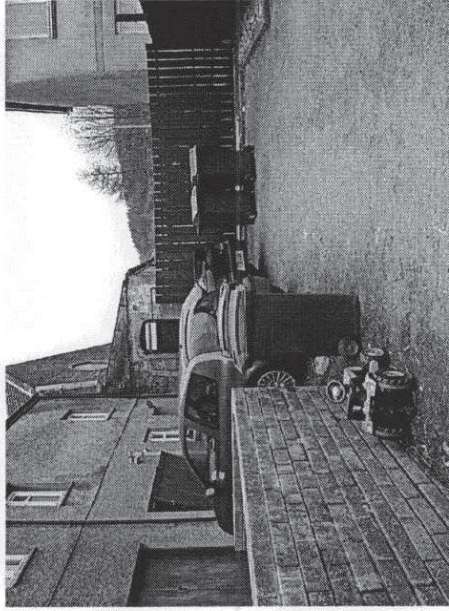
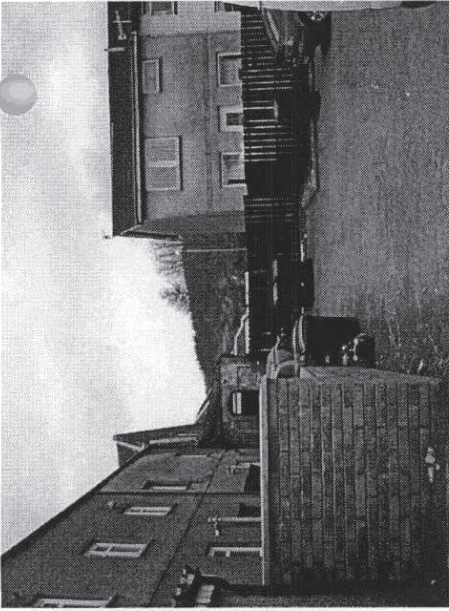
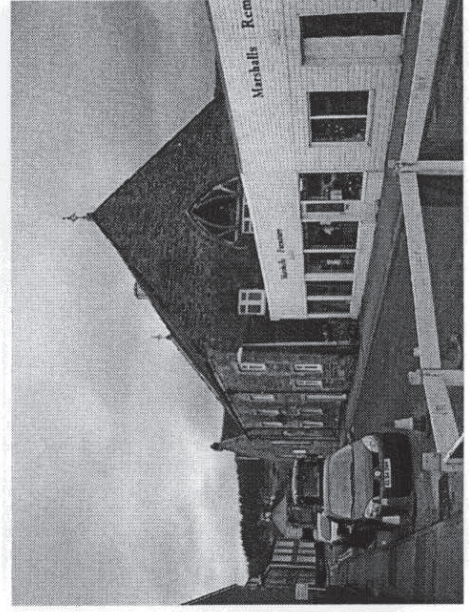
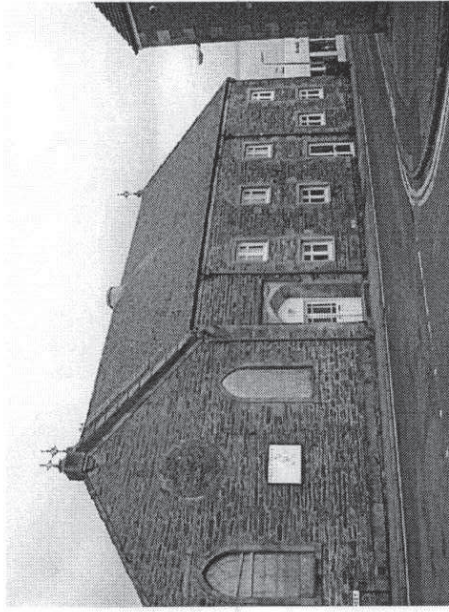
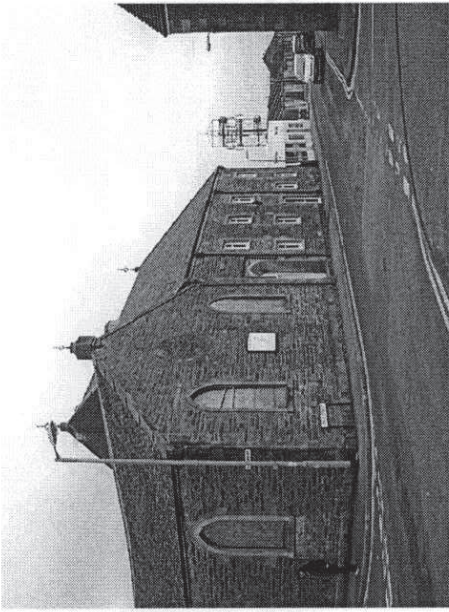
*Relevant Section of the Roads (Scotland) Act 1984

Signed: _____ Paul R Farrell _____ Date 13/02/12

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Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
Fax: (01369) 708609

Date: 8th November 2011

Our Ref: 11/02075/PP
Contact: Brian Close;
Direct Line: (01369) 708604

Taylor Haggarty Design
1A Mearns Street
Greenock
PA15 4PP

For the attention of John Taylor

Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 11/02075/PP;
CONVERSION OF DWELLINGHOUSE TO FORM 2 FLATS;
134 JOHN STREET, DUNOON, ARGYLL.**

With reference to the application above that was validated on 17th October 2011, the following comments are made without prejudice.

The proposal involves the loss of one car parking space as indicated in the application form. The existing car parking space shown on Drawing ref. 893.01 appears to be outwith the application site edged red and blue as shown on 1:1250 Location Plan 893.01. In order to enable a proper consideration of this proposal against current Council parking standards, I would request that full details are provided to indicate parking provision for both proposed flats and these spaces should be contained within the red line boundary.

As the application stands, it could potentially be refused on a shortfall of parking spaces in an area that has parking problems.

I therefore look forward to receiving accurate plans and a written description of the 'as existing' and 'as proposed' car parking arrangements for consideration.

If I do not hear from you by no later than 18th November 2011, this application will be determined as submitted with an appropriate recommendation. Should you wish to further discuss these proposals, please do not hesitate to contact me at the number above (or on brian.close@argyll-bute.gov.uk).

Yours faithfully

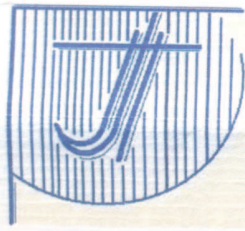


Planning Officer
Development Management
Bute and Cowal

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23 MAY 2012

RECEIVED



TAYLOR HAGGARTY DESIGN
1A Mearns Street GREENOCK PA15 4PP tel & fax 01475 785577
e-mail taylor-haggarty.design@virgin.net

May 22 2012

Director of Customer Services
Argyll & Bute Council
Kilmory
Lochgilphead
PA31 8RT

Dear Sir,

Proposed Conversion to form 2 Flats @ 134 John Street, Dunoon
Mr. A. McAlister

We herewith enclose a copy of our Comments on Representations in respect of the Notice of Review for the above.

Yours faithfully,

John J Taylor
Taylor Haggarty Design
encs.

COMMENTS ON PLANNING AUTHORITY'S REPRESENTATION

1. Lack of Amenity

'Lack of amenity refers to the provision of external amenity spaces and provision of secure bin storage areas.'

The amenity space available is governed by the site boundaries and at the rear consists of an area of hard standing. This area which cannot be increased in size was accepted by the Planning Authority when granting the Planning Consent for the conversion of the existing Hall to form 2 town houses as adequate amenity space.

The location of a bin storage area is clearly shown on drawing number 893.01A

2. Off Street Car Spaces

'It would appear that the Local Review Body previously granted planning permission for a flat above the karate hall on the basis that the residential works were required to fund necessary improvements to the karate hall'

'Whilst approving the scheme for a flat above the hall on its individual merits (where notably the continued recreational use of the hall which was in poor condition was a significant factor)'

There is nothing in the Notice of Review in respect of the premises at 140 Edward Street which asks that consideration be given to granting the appeal due to a requirement to improve the karate hall.

Similarly at no time during the Local Review Board's consideration of the appeal was this matter raised, nor is there any reference to it in their written decision.

The Planning Authority is mistaken.

We are pleased to note that the Planning Authority acknowledge that *'The Local Review Body also considered the proximity to the Town Centre and surplus car parking spaces apparently agreed and offered by ACHA in the backcourt area, removed any requirement for any additional car parking.'*

134 John Street is marginally closer to the Town Centre than 140 Edward Street and therefore should have similar consideration.

While arguing that the time chosen by the Review Board to carry out their site inspection unduly favoured the appellant (10.30 am), the Planning Authority acknowledge that when visiting the car park at later times in the day there were *'few surplus spaces available'*. In other words surplus spaces were available.

'With no apparent justification, it would appear unreasonable why this particular development should be regarded as an exception to policy in an area with existing car parking problems.'

The Local Review Board in coming to their decision on 140 Edward Street was of the opinion that the area had no car parking problems.

3. Planning Conditions

While it is understandable that the Planning Authority believe that they were correct in refusing the application, and that their decision will be upheld by the Local Review Board, it would be prudent for them at this stage to detail any conditions they feel should apply in the event of the Local Review Board granting the appeal.

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