

Ref:
AB1

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

OFFICIAL USE

17/2/12

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	
Name	ALISTER MCALISTER
Address	134 JOHN STREET
	DUNOON
Postcode	PA23 7BN
Tel. No.	
Email	

(2) AGENT (if any)	
Name	TAYLOR HAGGARTY DESIGN
Address	1A MEARNS STREET
	GREENOCK
Postcode	PA15 4PP
Tel. No.	01475 785577
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 attached? (Please tick to confirm)

(6) Description of Proposal

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

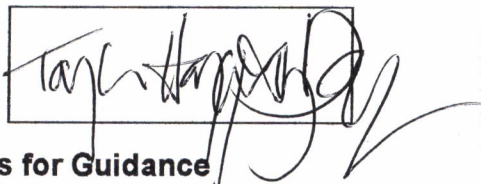
(7)

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.'*

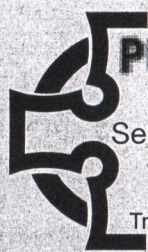
The Local Review Board in their Decision Notice dated 16th August 2011 in respect of Review Case 11/0003/LRB gave as the reasons for arriving at their decision :-

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



Planning & Regulatory Services

Seirbheisean Planaidh is Riaghlaidh
Development Management • Policy
Building Standards • Animal Health
Trading Standards • Environmental Health

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



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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.

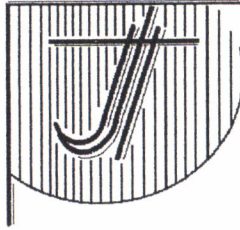
REASONS FOR REFUSAL RELATIVE TO APPLICATION NUMBER 11/02075/PP

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).

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TAYLOR HAGGARTY DESIGN
1A Mearns Street GREENOCK PA15 4PP tel & fax 01475 785577
e-mail 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.

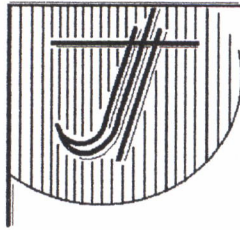
We would refer you to the recent Local Review Board Decision Notice dated 16th August 2011, in respect of the adjoining site owned by our client with particular reference to the Reason for Decision 5.1 which states 'LP Tran 6 including Appendix C of the Argyll and Bute Local Plan states that degree of 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

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TAYLOR HAGGARTY DESIGN
1A Mearns Street GREENOCK PA15 4PP tel & fax 01475 785577
e-mail 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 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

