

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.
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(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97/00948/COU change of use of hall to 2 houses withdrawn 28th July 1997;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03/02041/VARCON removal of condition 2 of permission 97/01136/COU in relation to obscure glazing on bedroom windows withdrawn 1st April 2004;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).
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