

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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15 March 2011

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE – 16 MARCH 2011
COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD AT 10:30 AM

Please find attached Supplementary Reports in connection with item numbers 5, 8, 9, 16 and 24 of the agenda for the above meeting.

BUSINESS

- 5. CWP PROPERTY DEVELOPMENT AND INVESTMENT: APPLICATION FOR ERECTION OF A CLASS 1 FOODSTORE WITH ASSOCIATED DEVELOPMENT TO INCLUDE CAR PARKING, ACCESS ROAD, ROAD BRIDGE, FILLING STATION AND ENGINEERING WORKS: 361 ARGYLL STREET, DUNOON (REF: 10/00222/PPP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 10)
- 8. MR A FRASER: APPLICATION FOR ERECTION OF 3 DWELLINGHOUSES AND GARAGES, FORMATION OF VEHICULAR ACCESS AND INSTALLATION OF PRIVATE SEWAGE SYSTEM: LAND SOUTH EAST OF SEASIDE: NEWTON, STRATHLACHLAN (REF: 10/01656/PP)**
Report by Head of Planning and Regulatory Services (Pages 11 - 14)
- 9. JD WETHERSPOON PLC: APPLICATION FOR CHANGE OF USE OF RETAIL PREMISES (CLASS 1) TO PUBLIC HOUSE (SUI GENERIS), FORMATION OF BEER GARDEN AND EXTERNAL ALTERATIONS IN CONNECTION WITH THE PROPOSED USE AND FORMATION OF TWO RETAIL UNITS: 19-29 JAMES STREET, HELENSBURGH (REF: 10/01892/PP)**
Report by Head of Planning and Regulatory Services (Pages 15 - 16)
- 16. DUNBRITTON HOUSING ASSOCIATION: APPLICATION FOR ERECTION OF FOUR STOREY RESIDENTIAL BUILDING COMPRISING TWELVE TWO BEDROOM FLATS: FORMER SCRUMBLES, UPLAND ROAD, GARELOCHHEAD (REF: 11/00210/PP)**
Report by Head of Planning and Regulatory Services (Pages 17 - 22)

E1 24. ENFORCEMENT CASE: 10/00414/ENFCON

Report by Head of Planning and Regulatory Services (Pages 23 - 26)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraphs are:-

E1 Paragraph 13 Information which, if disclosed to the public, would reveal that the authority proposes-

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Chalmers
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Contact: Melissa Stewart

Tel. No. 01546 604331

**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/00222/PPP

Planning Hierarchy: Major

Applicant: CWP Property Development and Investment

Proposal: Erection of Class 1 foodstore with associated development to include car parking, access road, road bridge, petrol filling station and engineering works.

Site Address: 361 Argyll Street, Dunoon.

SUPPLEMENTARY REPORT 1

1.0 SUMMARY

The purpose of this supplementary report is to confirm the receipt of late letters of representation containing supporting information from James Barr (agents for CWP) in respect of this application and from local residents.

The first of these (dated 3rd March 2011) relates to matters discussed at a meeting on 15th February 2011 and recent correspondence received from agents representing the National Grid site (Montagu Evans) and the Co-op (G L Hearn). The second, (also dated 3rd March 2011) contains further information on potential development of the National Grid site with an indicative layout as supporting information.

5 individual letters of objection and a petition of 387 letters of objection, all in pro forma style, have been submitted. These are from

- Dina McEwen, Sydney Cottage, 8 McArthur Street, Dunoon (letter dated 10th March 2011).
- Noel Fitzpatrick, Upper Hansville, Innellan, Dunoon (letter dated 10th March 2011).
- Kenneth Barr, 11 Dixon Avenue, Kirn, Dunoon (letter dated 13th March 2011).
- Charles M Gardiner, 11 Fairhaven, Kirn, Dunoon (letter dated 12th March 2011).
- Robert Waters, Glenrest, 19 Broomfield Drive, Dunoon (letter dated 12th March 2011).
- Alan Livingstone, Highland Stores, 152-6 Argyll Street, Dunoon (letter dated 15th March 2011 enclosing 387 letters).

These pro-forma letters of objection state that the signatories "*object to the proposal to build a large out-of-town supermarket selling a similar wide range of non-food goods currently sold in our local high street shops. If this proposal were allowed to go ahead it could result in many of our town centre high street shops and other small shops*

around the town closing and could decimate our town centre within a few years. Considerable loss of trade from local high streets to new out-of-town supermarkets has already been demonstrated in other small towns such as Dumfries, Dingwall and Alloa.”

- A letter of support for the application on unspecified grounds has been received from G.F. Johnstone, Dunloskin Cottage, Dunloskin Farm, Sandbank High Road, Dunoon (letter dated 10th March 2011).

I also attach at Appendix B a listing all representations received which was omitted from inclusion with my original report.

2.0 FURTHER SUPPORTING INFORMATION

James Barr note the recent submission by National Grid in terms of developing the gasworks site for retail purposes but consider that this does not alter CWP's position on the site's potential. The submission of a Proposal of Application Notice (PAN) is questioned for a site that is under 2 ha and development under 5,000 sqm. James Barr confirms their position that the site is not suitable or appropriate for the proposed development as per the Planning and Retail Statement and that the actual developable part of their landholdings is around 1 hectare. James Barr dispute the comment made by Montagu Evans that the gasworks site would be capable of accommodating a standard retail format footsore extending to 3,000 sqm that would also be capable of providing car parking and servicing for a store of that size, due to site configuration and relationship to the Milton Burn. For these reasons, CWP has dismissed the National Grid site as a suitable option. For a site to be attractive to modern foodstore operators, the requirement for retailers for a store in Dunoon is a minimum of 40,000 sqft with a petrol filling station, together with appropriate servicing and car parking, which is considered necessary to the level of leakage and clawback.

James Barr also refutes information submitted by Montagu Evans that includes a list of schemes that CWP have been involved with. Some of the information relates to foodstore and non-food retail proposals and other sites had particular requirements. James Barr have cited case law where the retailer's own site requirements need to be taken into consideration in the sequential approach and that an edge of centre site in Dalry was not deemed sequentially preferable as it could not meet the operational needs of the retailers.

James Barr consider that there is no evidence to support the claim that the National Grid site is deliverable and the Council must satisfy itself that it can be delivered in technical terms such as layout, servicing, access, car parking, building footprint, infrastructure, contamination and flooding.

James Barr considers that further objections made on behalf of the Co-op add no new information or matters for consideration.

In relation to a department memo dated 17th February 2011, James Barr suggests that this memo contains inaccurate and misleading information in respect of the average turnover approach taken in the retail assessment. James Barr considers that their application is being judged on inaccurate information and unjustified statement based on inaccurate information.

Department Comment – In relation to the above, the applicants have pointed out that the department had erroneously referred to their original retail impact assessment using average turnovers for all supermarket operators. It is confirmed that the

applicants had suggested a convenience turnover figure of £9000 per sqm in their assessment dated January 2010, and that it was in paragraph 4.42 of their assessment dated September 2010 that they refer to an average convenience turnover of £11,970 per sqm and comparison turnover of £8241 sqm. The applicants have submitted three complete retail assessments, comprising 32 appendices, and 63 tables, as well as numerous other supplementary documents to correct errors which were previously pointed out to them in their original assessments. In the departmental memo, the most relevant information was extracted to help inform the decision making process and primarily referred to the applicant's retail assessments of September 2010 and the revised assessment of January 2011, in as much as it relates to their proposals for a smaller store, and different convenience /comparison floorspace ratios.

James Barr suggests that the department has expressed comments that appear to pre-determine a development before an application is made for the gasworks site. The suggestion that the figures make a case for a smaller store on the gasworks site is prejudicial in terms of specific site location.

Department Comment – In respect of the above, James Barr letter, it is stated that paragraph 15 of the departmental memo is biased against their client's proposal and pre-supports a development proposal which has not yet come forward for determination. The last sentence of paragraph 15 states "*I consider that the applicants have not met the requirements of the sequential test, in discounting the former gas works site, which is located in a sequentially preferable edge of town centre location.*" It is a matter of fact that the former gas works site is within an edge of town centre location as defined in Dunoon Town Centre Map in the Adopted Argyll and Bute Local Plan and is therefore in a sequentially preferable location.

James Barr comments that information contained in the revised Planning and Retail Statement is wrong where the scenario for a smaller store is estimated to clawback expenditure at 40% and not 30% as stated. Additionally, the level of clawback suggested by the department of 50% is at odds with what was previously agreed at 60%. James Barr suggests that the assumption that a smaller store is better placed to clawback leakage than a larger store is not a reasonable position to adopt. This is based on statements regarding 'ambitious' and 'robust' retained convenience expenditure where the difference between assumptions accounts for only 4.25% of a difference.

Department Comment – In respect of the implication that the departmental memo referred to a store of 1045 sqm. convenience floorspace as being acceptable, this is not the case. Comments in the memo referred to the James Barr estimate that the gas works site could accommodate a store of 2500 sqm with 1600 sqm net, and then stated that such as development would be capable of more than accommodating the available expenditure. It should be noted that this amount of floorspace being acceptable was never stated, as any application would have to be accompanied by its own retail assessment, and would be dependent on a number of factors with regard to potential impact. The important aspect of this being that their subsequent points in relation to turnover and clawback of a smaller store and the impact on the town centre and tables 16a, 16b, 17a, 17b, and 18b as attached to their letter dated 3rd March are based on their assumption on level of floorspace, which would be considered acceptable.

James Barr considers that the difference of predicted impact is negligible when compared with estimates by the department considered to be acceptable and this

slight difference in predicted impact could be mitigated through a contribution to the CHORD project.

3.0 ASSESSMENT

In considering the above, Members should be aware that the production of Retail Impact Assessments (RIA) (or 'Planning and Retail Statement' in this case) is not a precise science, due to the variables and assumptions involved in the production of conclusions. It is for that reason that Scottish Planning Policy advocates the 'broad based approach' referred to above. Ultimately, in reaching a conclusion on the merits of the application, it is for Members to conclude what weight to place upon the conclusions of the applicant's RIA and the officers' rejection of its conclusions - a view also expressed by third parties - on the basis of a critique of that RIA.

The department's view remains that the applicant's RIA is ambitious in its assumptions and that the potential impact on Dunoon Town Centre is unacceptable, while any form of mitigation measures would not reduce this impact to an acceptable degree. The department has researched the submitted figures in the RIA thoroughly in the context of the Dunoon and Cowal catchment, and that reliance may be placed upon its conclusions in reaching a decision on the unacceptable nature of the application, notwithstanding the critique presented in letters from James Barr on behalf of the applicant.

4.0 RECOMMENDATION

It is recommended that planning permission be refused as per the original report.

Author: Brian Close 01369 708604

Contact Point: David Eaglesham 01369 708608

Angus J Gilmour

Head of Planning & Regulatory Services

15th March 2011

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 10/00222/PPP

REPRESENTATIONS:

Support

1. Thomas MacIntyre, 29 Valrose Terrace, Dunoon (letter dated 13th August 2010);
2. Susan MacIntyre, 29 Valrose Terrace, Dunoon (letter dated 13th August 2010);
3. Mr D Allison, 207 Alexandra Parade, Dunoon (letter dated 12 August 2010);
4. Catherine Docherty, 12 Hafton Court, Dunoon (letter dated 11th August 201);
5. Mrs Barbara Gray, 55 The Glebe, Dunoon (letter dated 11th August 2010);
6. Mr Kevin Gray, 55 The Glebe, Dunoon (letter dated 11th August 2010);
7. Suzanne Nugent, 10 Douglas Cottages, Park Road, Dunoon (letter dated 7th August);
8. Ryan Nugent, 10 Douglas Cottages, Park Road, Dunoon (letter dated 7th August 2010);
9. Scott Marshall, The Hermitage, 20 Park Road, Dunoon (letter dated 7th August 2010);
10. Frances MacDonald, The Hermitage, 20 Park Road, Dunoon (letter dated 7th August 2010);
11. Jill English, Ashton View, 5b George Street, Hunters Quay (letter dated 10th August 2010);
12. David Crowe, Ashton View, 5b George Street, Hunters Quay (letter dated 10th August 2010);
13. Laura Sands, 30 Cromwell Street, Dunoon (letter dated 10th August 2010);
14. Louise Murphy, 105/109 Bell Street, Glasgow (letter dated 10th August 2010);
15. Ross Ferrier, 105/109 Bell Street, Glasgow (letter dated 10th August 2010);
16. Yvonne Lamb, 97 Snadhaven, Dunoon (letter dated 10th August 2010);
17. Shelia M Cameron, 2 Tom Nah Ragh, Dalinlonghart (letter dated 11th August 2010);
18. Janet Gillespie, 14 Victoria Road, Dunoon (letter dated 11th August 2010);
19. Sarah Anderson, 39c Glenmorag Crescent, Dunoon (letter dated 11th August 2010);
20. Steven Galloway, 4 Kilbride Road, Dunoon (letter dated 11th August 2010);
21. Abbey McMaster, 39 Glenmorag Crescent, Dunoon (letter dated 11th August 2010);
22. Colin Miller, 99 Alexander Street, Dunoon (letter dated 7th August 2010);
23. Dawn Miller, 99 Alexander Street, Dunoon (letter dated 7th August 2010);
24. Christopher Gray, 55 The Glebe, Dunoon (letter dated 7th August 2010);
25. William Quinn, 135 Alexander Street, Dunoon (letter dated 5th August 2010);
26. Lynn MacFarlane, 103 Auchamore Road, Dunoon (letter dated 5th August 2010);
27. Michelle Allison, 55 The Glebe, Dunoon (letter dated 6th August 2010);
28. Sarah MacFarlane, 103 Auchamore Road, Dunoon (letter dated 5th August 2010);
29. Martin Allison, 207 Alexandra Parade, Kirn, Dunoon (letter dated 7th August 2010);
30. Margaret MacFarlane, 103 Auchamore Road, Dunoon (letter dated 5th August 2010);
31. Karen Quinn, 135 Alexander Street, Dunoon (letter dated 5th August 2010);
32. Carol Mullen, 142 Victoria Road, Dunoon (letter dated 11th August 2010);
33. Amanda Arden, 147 Alexander Street, Dunoon (letter dated 11th August 2010);
34. Turner, 133 Alexander Street, Dunoon (letter dated 11th August 2010);
35. Moira Newall, 31 Fountain Quay, Kirn, Dunoon (letter dated 12th August 2010);
36. Taylor Currie, 96 Bullwood Road (letter dated 12th August 2010);
37. Honor McCutcheon, 141 Bullwood Road (letter dated 12th August 2010);
38. Scott Currie, 141 Bullwood Road (letter dated 12th August 2010);
39. Kerri Pullar, Earltan, High Road, Sandbank, Dunoon (letter dated 12th August 2010);
40. Abbie Ewart, 82 Sandhaven, Sandbank (letter dated 12th August 2010);
41. Alexis Ewart, 82 Sandhaven, Sandbank, Dunoon (letter dated 12th August 2010);
42. Stefan Toremar, 1 Eachaig, Kilmun (letter dated 12th August 2010);
43. Gail Galloway, 9 Dhalling Road, Dunoon (letter dated 12th August 2010);
44. Moira Roberston, 57 Alexander Street, Dunoon (12th August 2010);
45. Glenis Coles, 199 Victoria Road, Dunoon (letter dated 12th August 2010);

46. Bobbie Davie, 68 Queen Street, Dunoon (letter dated 12th August 2010);
47. Chris-Elaine Davie, 68 Queen Street, Dunoon (letter dated 12th August 2010);
48. Kirsty Lauder, 137 Argyll Road. Dunoon (letter dated 13th August 2010);
49. Ms R. Templeton, 1 Machair Cottage, Toward (letter dated 12th August 2010);
50. Catherine MacIntyre, 38 Cowal Place, Dunoon (letter dated 8th August 2010);
51. Devon Dupre-Smith, Hamilton House, 7 Wellington Street, Dunoon (letter dated 8th August 2010);
52. Irene McKendrick, 6 Kilmun Court, Kilmun, Dunoon (letter dated 12th August 2010);
53. Laura MacKendrick, 6 Kilmun Court, Kilmun, Dunoon (letter dated 12th August 2010);
54. E. Smith, Hally Cottage, 6 Clyde Street, Dunoon (letter dated 13th August 2010);
55. D.J. Black, 13 Tigh-Na-Cladach, Bullwood Road, Dunoon (letter dated 16th August 2010)
56. Eileen Brand, 2 Thornwood, Innellan (letter dated 16th August 2010);
57. H. Mathieson, 84c Shore Road, Innellan (letter dated 16th August 2010);
58. Douglas A. Lauffer, North Campbell Road, Innellan (letter dated 16th August 2010);
59. Nigel Potts, 20 Newton Park, Innellan (letter dated 16th August 2010);
60. Vanessa Davie, 68 Queen street, Dunoon (letter dated 17th August 2010);
61. James Elsby, 2 Eton Avenue, Dunoon (letter dated 13th August 2010);
62. Lauren Davie, 68 Queen Street, Dunoon (letter dated 18th August 2010);
63. Sarah Love, 21 Wellington Street, Dunoon (letter dated 17th August 2010);
64. Gavin Galloway, 12 Dixon Avenue, Kirn, Dunoon (letter dated 10th August 2010);
65. Myra Campbell, 53 Queen Street, Dunoon (letter dated 16th August 2010);
66. Christopher Dickson, 7 Lorimer Terrace, Sandbank (letter dated 12th August 2010);
67. Winniefred Sommerville, Flat 1, 129 Edward Street, Dunoon (letter dated 12th August 2010);
68. Kerry MacIntyre, Cairnfield, 125 Edward Street, Dunoon (letter dated 12th August 2010);
69. Edward MacIntyre, 29 Valrose Terrace, Dunoon (letter dated 12th August 2010);
70. Laura Jane Carmichael, 136b Alexander Street, Dunoon (letter dated 12th August 2010);
71. Kelly Marie Walker, 18 Valrose Terrace, Dunoon (letter dated 12th August 2010);
72. Christine Dickson, 7 Lorimer Terrace, Sandbank (letter dated 12th August 2010);
73. Claire Dickson, 38 Cowal Place, Dunoon (letter dated 12 August 2010);
74. M. Hall, 46 Alexander Street, Dunoon (letter dated 8th September 2010);
75. M. McEwan, 9 The Glebe, Dunoon (letter dated 8th September 2010);
76. Mrs Lynn Stewart, Lilybank, 6A Alfred Street, Dunoon (letter dated 23 August 2010);
77. Karen Keith, Madiera Lodge, 32 Edward Street, Dunoon (letter dated 25th August 2010);
78. Kirsten Oliphant, 7 Park Avenue, Dunoon (letter dated 25th August 2010);
79. Patricia MacAlister, 132 John Street, Dunoon (letter dated 25th August 2010);
80. Mary Blincow, 31D Park Road, Dunoon (letter dated 25th August 2010);
81. Billy Stewart, Hope Cottage, Blairmore, Dunoon (letter dated 1st September 2010);
82. Ronald Stokes, 15 Hunter's Grove, Hunters Quay (letter dated 1st September 2010);
83. Melanie Douglas, 46 Alfred Street, Dunoon (letter dated 23rd August 2010);
84. Penny Galloway, Bentre, King Street, Dunoon (letter dated 20th August 2010);
85. Donald Mackay, 130 Fairhaven, Kirn (letter dated 20th August 2010);
86. Peter Campbell, 28 Valrose Terrace, Dunoon (letter dated 8th September 2010);
87. David McMillan, 20 Johnston Terrace, Dunoon (letter dated 9th September 2010);
88. Joan Berndt, 40 Cowal Place, Dunoon (letter dated 9th September 2010);
89. Mrs M. Wilson, Ashton View, 177 Edward Street, Dunoon (letter dated 9th September 2010);
90. Agnes Kerr, 6 Ardyne Terrace, Innellan (letter dated 8th September 2010);
91. Owner/Occupier, 2 Wallace Court, Sandbak (letter dated 8th September 2010);
92. Margaret Munro, 12 Lochan Avenue, Kirn, Dunoon (letter dated 8th September 2010);
93. Craig, 43 Victoria Road, Dunoon (letter dated 8th September 2010);
94. V. Graham, 201 Victoria Road, Dunoon (letter dated 8th September 2010);
95. J. Stewart, 6 Allan Terrace, Sandbank, Dunoon (letter dated 8th September 2010);
96. Owner/Occupier, 213 Edward Street, Dunoon (letter dated 8th September 2010);
97. Macleod, Flat 2/2, Woodford, Dunoon (letter dated 8th September 2010);

98. J. Degning, 6 Ardyne Terrace, Innellan (letter dated 8th September 2010);
99. M. Fergusson, 58 Shore Road, Innellan (letter dated 8th September 2010);
100. Kathie Cameron, 1 Dalriada Grove, Shore Road, Innellan (letter dated 8th September 2010);
101. Barbara McLauchlan, 6 Dalriada Grove, Innellan (letter dated 8th September 2010);
102. Patrick James Burns, 87 Marine Parade, Kirn (letter dated 8th September 2010);
103. Karina Lilika, 73 Alexandra Parade, Dunoon (letter dated 25th August 2010);
104. Liva Krastina, 73 Alexandra Parade, Dunoon (letter dated 25th August 210);
105. Nancy Laursen, 5 Glenmorag Avenue, Dunoon (letter dated 25th August 2010);
106. Crawford, 166 John Street, Dunoon (letter dated 25th August 2010);
107. Alexis Rithchie, Ardvaine, High Road, Sandbank (letter dated 8th August 2010);
108. Shelley Anthony Davies, Cambrai, Green Bank Lane, Kirn (letter dated 2nd August 2010);
109. Rita McKenzie, 56 Ardenslate Road, Kirn (letter dated 3rd August 2010);
110. Sarah Campbell, 41 Eton Avenue, Dunoon (letter dated 3rd August 2010);
111. Owner/Occupier, Flat ½, 133 John Street, Dunoon (letter dated 5th August 2010);
112. Dean Morrison, 1/3, 106 John Street, Dunoon (letter dated 5th September 2010);
113. Susan Pochetta, 13 Hill Street, Dunoon (letter dated 4th September 2010);
114. Ashleigh McKenzie, 30 Dixon Avenue, Kirn (letter dated 6th September 2010);
115. William Honeyball, 16A Clyde Street, Dunoon (letter dated 4th September 2010);
116. Mrs Honeyball, 16A Clyde Street, Dunoon (letter dated 4th September 2010);
117. Johan Jacobs, 3 Kilbride Road, Dunoon (letter dated 3rd September 2010);
118. Jennifer Barron, 29 Marine Parade, Dunoon (letter dated 3rd September 2010);
119. Owner/Occupier, 12 Clyde Street, Kirn, Dunoon (letter dated 2nd September 2010);
120. Jill Emmerson, Eckvale, Sandbank (letter dated 1st September 2010);
121. Mrs A. Henderson, 12 Arthur Terrace, Dunoon (letter dated 23rd August 2010);
122. David Stewart, 151 George Street, Dunoon (letter dated 23rd August 2010);
123. Emma Stewart, 151 George Street, Dunoon (letter dated 23rd August 2010);
124. Angela Kay, 12 Jonston Terrace, Dunoon (letter dated 7th September 2010);
125. Nancy Paterson, 45 Alexandra Parade, Dunoon (letter dated 2nd September 2010);
126. Jannette Reid, 1 Dixon Avenue, Kirn, Dunoon (letter dated 2nd September 2010);
127. Megan Carmichael, 2 Victoria Road, Hunters Quay, Dunoon (letter dated 2nd September 2010);
128. Chloe Dalton. 9 Robertson Terrace, Sandbank (letter dated 2nd September 2010);
129. MR Ian Stewart, Lilybank, 6A Alfred Street, Dunoon (letter dated 23rd August 2010);
130. Joanne McAllister, 24 Ardenslate Crescent, Kirn, Dunoon (letter dated 4th September 2010);
131. Nancy Malcolm. 25 Eton Avenue, Dunoon (letter dated 4th September 2010);
132. Ciorstaidh Dornan, Top Flat, Dalriada, Ferry Brae, Dunoon (letter dated 4th September 2010);
133. J. Birtles, 16 Dixon Avenue, Kirn (letter dated 4th September 2010);
134. Linda McGregor, 0/2, 3 Woodford Grove, Dunoon (letter dated 3rd September 2010);
135. Mathew Maccoll, Flat ½, 8 Argyll Terrace, Dunoon (letter dated 2nd September 2010);
136. Stephen Cole, 6 Ardmhor Road, Dunoon (letter dated 2nd September 2010);
137. Ileen Stokes, 15 Hunter's Grove, Hunters Quay (letter dated 1st September 2010);
138. Michelle McDonald, 90 Dixon Avenue, Dunoon (letter dated 1st September 2010);
139. Owner/Occupier, 4 Kirn Gardens, Kirn (letter dated 1st September 2010);
140. Owner/Occupier, 4 Kirn Gardens, Kirn (letter dated 1st September 2010);
141. Rachell Glendigging, c/o 99 Alexander Street, Dunoon (letter dated 29th August 2010);
142. Robert Glendigging, c/o 99 Alexander Street, Dunoon (letter dated 28th August 2010);
143. Sinitia Mezeiko, 39 Fairhaven, Kirn (letter dated 25th August 2010);
144. Linda Holdurn, 3 Victoria Crescent, Kirn Brae, Dunoon (letter dated 23rd August 2010);
145. Kirsteen McCarron, 11 Bencorrum Brae, Dunoon (letter dated 6th August 2010);
146. Michelle Gray, 207 Alexandra Parade, Kirn (letter dated 6th August 2010);
147. Martin Allison, 207 Alexandra Parade, Kirn (letter dated 6th August 2010);
148. Ian Wilson, 60 Edward Street, Dunoon (letter dated 7th August 2010);

149. Richard Longster, 164 John Street, Dunoon (letter dated 10th August 2010);
150. Roberston, 21 Miller Court, Dunoon (letter dated 10th August 2010);
151. Angela Roberston, Flat 1/3, 59 John Street, Dunoon (letter dated 10th August 2010);
152. James Hamilton, 5 Dixon Place, Kirn (letter dated 18th August 2010);
153. N. Roberston, 9 Johnston Terrace, Dunoon (letter dated 9th August 2010);
154. Alan g. Alan, 58 Argyll Road, Kirn (letter dated 18th August 2010);
155. Alan Stewart, Brackley Cottage, Toward (letter dated 1st September 2010);
156. AM. Houston, 14 McArthur Street, Dunoon (letter dated 18th August 2010);
157. Alison Marshall, 82 Mary Street, Dunoon (letter dated 18th August 2010);
158. Lorraine Galbraith, 32 Dixon Avenue, Kirn (letter dated 18th August 2010);
159. Bruce Thomson, 9A Jane Street, Dunoon (letter dated 18th August 2010);
160. Galloway, Hafton Court, 58 Ardenslate Road, Kirn (letter dated 10th August 2010);
161. Hilda Galloway, Hafton Court, 58 Ardenslate Road, Kirn (letter dated 10th August 2010);
162. John Allison, 207 Alexandra Parade, Kirn (letter dated 10th August 2010);
163. Valerie Kent, 7 Gerhallow, Bullwood, Dunoon (letter dated 6th August 2010);
164. Suzanne Roberston, 164 John Street, Dunoon (letter dated 6th August 2010);
165. Santa Mezeiko. 39 Fairhaven, Kirn (letter dated 25th August 2010);
166. Sintia Fomina, 3 Regent Terrace, Dunoon (letter dated 25th August 2010);
167. David McDermot, 2/3, 53 John Street, Dunoon (letter dated 18th August 2010);
168. David Whyte, 3 Ash Gardens, Kirn (letter dated 18th August 2010);
169. Brian Gray, 8 Dixon Avenue, Kirn (letter dated 18th August 2010);
170. Douglas Ross Gray, 115B Edward Street, Dunoon (letter dated 18th August 2010);
171. John Cargill, 55 Ardenslate Crescent, Kirn (letter dated 8th September 2010);
172. R. Sherville, 27 Fairhaven, Kirn (letter dated 8th September 2010);
173. Graeme Macpherson, 7 Leven Lane, Kirn (letter dated 8th September 2010);
174. Darren Lauffer, 6 Heatherbloom Place, Strone (letter dated 8th September 2010);
175. David Hughes-Barr, 49 Sandhaven, Sandbank (letter dated 7th September 2010);
176. Linda Hughes-Barr, 49 Sandhaven, Sandbank (letter dated 7th September 2010);
177. Elaine Appleby, 15 Fairhaven, Kirn (letter dated 18th August 2010);
178. Irene Allison, 207 Alexandra Parade, Kirn (letter dated 6th August 2010);
179. Patricia McCann, 4 Bogleha Green, Argyll Street, Dunoon (letter dated 18th August 2010);
180. Hazel Galloway, 45 Kilbride Road, Dunoon (letter dated 25th August 2010);
181. Christine Boyle, 193 Alexandra Parade, Dunoon (letter dated 18th August 2010);
182. Sandy MacAlister, 132 John Street, Dunoon (letter dated 25th August 2010);
183. Richard Salisbury, 47 Forest View, Strachur, Cairndow (letter dated 25th August 2010);
184. K.R.M. Adams, Dunadd, 54 Shore Road, Innellan (letter dated 23rd August 2010);
185. Chris Talbot, 12 McKinlay's Quay, Sandbank, Dunoon (letter dated 18th August 2010);
186. Lorna Rae, 58 Dixon Avenue, Kirn (letter dated 13th August 2010);
187. Calum Rae, 58 Dixon Avenue, Kirn (letter dated 14th August 2010);
188. John and Marion Paterson, 67 Sandhaven, Sandbank (letter dated 14th August 2010);
189. Nicola Rae, 58 Dixon Avenue, Kirn (letter dated 13th August 2010);
190. Margaret Holgate, St. Abbs, 24 Shore Road, Innellan (letter received 16th August 2010);
191. Deborah Rycroft, 4 Broxwood Place, Sandbank (letter dated 15th August 2010);
192. Kivanc Altin, 13 Albert Place, Sandbank (letter dated 15th August 2010);
193. Rhona Atlin, 13 Albert Place, Sandbank (letter dated 15th August 2010);
194. John McCombe, 33 Johnston Terrace, Dunoon (letter dated 12th August 2010);
195. Mr D Robson, 29 King Street, Dunoon (letter dated 12th August 2010);
196. Ishbel Fairman, 29 Sandhaven, Sandbank (letter dated 11th August 2010);
197. Mrs. May Gill, 18 Dalriada Grove, Innellan (letter dated 12th August 2010);
198. Doreen MacDonald, 3 Dhailing Park, Kirn (letter dated 10th August 2010);
199. Fiona Morrison, 6 Strawberry Field Road, Crosslee (letter dated 10th August 2010);
200. Melanie Gladwell and Gordon Drummond, 197 Edward Street, Dunoon (letter dated 10th August 2010);
201. Edwina Carter, 38 Park Road, Kirn (letter dated 10th August 2010);

202. Ormonde Ross Carter, 38 Park Road, Kirn (letter dated 10th August 2010);
203. W S Sutherland, Drum Cottage, Kilfinnan (letter dated 10th August 2010);
204. Kevin Lynch, 19 Drumadoon Drive, Helensburgh (letter dated 11th August 2010);
205. Delia Blackmore, Fingal House, 35 Argyll Road, Dunoon (letter dated 10th August 2010);
206. J. Hutchison, 2 Victoria Crescent, Kirn (letter dated 30th July 2010);
207. M. Smith and M. McBride, Ashmore, 9 Brandon Street, Dunoon (letter dated 27th July 2010);
208. Mr. J. Douglas McCallum, Hoop House, Flat 4, 109 Bullwood Road, Innellan (letter dated 16th July 2010);
209. Email
210. Maurice Bianchi, Kilmun (email dated 10th August 2010);
211. Donald Ross and Catherine Ross, 104 Sandhaven, Sandbank (email dated 10th August 2010);
212. W. Craig, 3 Brae Cottages, Sandbank (email dated 27th July 2010);
213. Margaret Holgate, St. Abbs, 24 Shore Road, Innellan (email dated 15th July 2010);
214. Dr. Ann P. Carter and Mr. Clive C. Carter, 4 Hunters Grove, Hunters Quay (email dated 24th July 2010);
215. Susan Watling, Springfield Cottage, Wellington Street, Dunoon (email dated 24th July 2010);
216. Mrs. Lorna Rae, 58 Dixon Avenue, Kirn (email dated 27th July 2010);
217. May Finnie, 11 Cammesreinach Crescent, Hunters Quay (email dated 20th July 2010);
218. Fiona Morrison, 3 Dhalling Park, Kirn (email dated 15th July 2010);
219. Ailsa Allaby, Braehead Cottage, Tighnabruaich (email dated 21st July 2010);
220. Richard McGilvray, Innellan (email dated 20th July 2010);
221. Helen Hackett, Lynnburn, 21 Bullwood Road, Dunoon (email dated 20th July 2010);
222. Mrs. K.B. Wallace (email dated 16th July 2010);
223. Mario Pellicci (email dated 16th July 2010)

Against

1. GVA Grimley representing Wm Morrison Supermarkets plc (letter dated 27th July 2010);
2. GL Hearn representing the Co-operative Group (letters dated 20th May 2010, 27th October 2010 & 23 February 2011);
3. Montagu Evans representing National Grid Property Holdings Ltd. (letters dated 23rd April and 6th May 2010);
4. Mackays Stores Limited trading as M&Co (letter dated 7th September 2010)
5. John C. MacLeod, The Paint and Hardware Shop, 124/126 Argyll Street, Dunoon (letter dated 28th July 2010);
6. Jennifer A. Harrison and Anthony S. Watkins – The Swallow Café, 172 Argyll Street, Dunoon (letter dated 27th July 2010);
7. Jack Gibson – Steven Gibson Ltd. 96 Argyll Street, Dunoon (letters dated 19th June and 20th July 2010);
8. Alan Livingstone, Highland Stores, 152-6 Argyll Street, Dunoon (letter dated 6th December 2010)
9. P. Hegarty and Mhairi Hegarty – Montgomery Butchers, Argyll Street, Dunoon (letter received 20th July 2010);
10. Scott Docherty – The Codfathers Fishmongers, Argyll Street, Dunoon (letter received 20th July 2010);
11. Dinah McDonald – Bookpoint 6 Deer Park, Glen Massan (letters dated 1st June 2010 & 7 February 2011);
12. Brian Cunningham – ECO Health Shop, 40 Cromwell Street, Dunoon (email dated 26th July 2010);
13. Norman Wright - Wrights Clothing, 192 Argyll Street, Dunoon (email dated 22nd July 2010);
14. Murray – Cothouse Services, by Sandbank (email dated 27th July 2010);
15. Email
16. Alastair & Nora Cameron, 2 Avondale Lane, Bullwood Road, Dunoon (letter dated 8th October 2010);
17. John Nicol, 1 Cherryhill, Kirn (letter dated 26th July 2010);
18. Owner/Occupier, 1B Eccles Road, Hunters Quay, Dunoon (letter received 20th July 2010);
19. Vivien Hill, Rosehill, Strachur (letter received 20th July 2010);
20. D. Manson, 3 West Street, Dunoon (letter dated 2nd July 2010);
21. Gordon and Marjorie Roberts, 103 Shore Road, Innellan (letter dated 21st June 2010);
22. Lillian Gardner, Dalchruin, Baycroft, Strachur (letter dated 12th June 2010);
23. Councillor Bruce Marshall (email dated 27th July 2010);
24. Margaret Saidler (emails dated 16th June and 20th July 2010);
25. Gwyneth Maskell (email dated 29th June 2010);
26. Jean Maskell (email dated 9th June 2010);
27. John Quirk, Dunmore House, 203A Alexandra Parade, Dunoon (email dated 26th July 2010);

Representation

- J. Hutchison, 2 Victoria Crescent, Kirn (letter received 30th July 2010).

**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01656/PP

Planning Hierarchy: Local

Applicant: Mr A Fraser

Proposal: Erection of three dwellinghouses and garages, formation of vehicular access and installation of private sewage system

Site Address: Land South East of Seaside, Newton, Strathlachlan

SUPPLEMENTARY REPORT 1

(A) FURTHER INFORMATION

Having given further consideration to this proposal, it is considered that a communal sewage treatment plant would better meet the objectives of Policy LP SERV 1 of the Argyll and Bute Local Plan 2009 which seeks to resist the proliferation of septic tanks.

This arrangement has been suggested to the applicant's agent who has advised that he is agreeable to amend the scheme accordingly and would be prepared to accept a condition to that effect. He has confirmed that to serve all three houses he would propose a Klargester Biodisc Type BD or equivalent, designed to treat up to 4 houses, (or 15-16 bedrooms), certified to European Standard EN12566 part 3 Annexe B, and the treated effluent would still drain to a mound soakaway to the satisfaction of SEPA.

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted as a 'minor departure' to the development plan subject to the revised conditions, reasons and informative notes at the end of this report.

Author of Report: Steven Gove

Date: 15 March 2011

Reviewing Officer: David Eaglesham

Date: 15 March 2011

**Angus Gilmour
Head of Planning**

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 10/001656/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 28th September 2010 and the approved drawing reference numbers: 110.1; 101; 103; 106; 107; 108; 109; 110; 111; 112; 113; 114; 115; 116; 117; 118; 119; 120; 122; 123; 124; 125; 126; and 127, unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. Notwithstanding the submitted details, the development shall be served by a single sewage treatment plant, details of which shall be submitted to and approved by the planning authority before development commences.

Reason: To avoid a proliferation of private sewage treatment plants.

4. A landscaping scheme shall be submitted to the Planning Authority prior to any works being first undertaken at the site. This scheme shall specifically include full details of the age, species and location of all existing trees and vegetation proposed to be retained and those to be removed together with full details of proposed planting.
 - i) The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained to the satisfaction of the Planning Authority for a period of five years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.
 - ii) Prior to any works being first undertaken at the site, and upon the written approval of the landscaping scheme, each tree to be removed shall be clearly indicated (*tagged*) on site using a coloured identification and each tree to be retained shall be clearly indicated (*tagged*) on site using a separate coloured identification. Such measures shall be put in place for the written approval of the Planning Authority before any felling/lopping commences.
 - iii) During the course of construction those trees that are to be retained (*as indicated and approved in writing by the Planning Authority as ii above*), shall be protected by suitable fencing not less than one metre in height that shall be erected around the extremities of the crowns of these trees, or as may be agreed in writing with the Planning Authority. No material, spoil or fires shall be placed within such protected areas during any construction works.

Reason: In the interests of visual amenity, the overall integrity and setting of the development within the area and to ensure that no damage is caused to trees during development operations.

5. Prior to the commencement of any construction works on the dwellinghouses, samples of all external finishes and roof coverings shall be submitted for the prior written approval of the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the dwellinghouses shall be constructed in accordance with the approved details.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings.

6. Prior to the commencement of development on the site, visibility splays of 42.0 metres x 2.5 metres in both directions shall be formed from the centre line of the proposed access and shall, thereafter, be kept clear of all obstructions over 1.05 metres in height above the level of the adjoining carriageway unless the prior written consent of the Planning Authority is obtained for variation.

Reason: In the interests of road safety.

7. Prior to the occupation of the first dwellinghouse, the access shall be constructed in accordance with the Council's Drawing SD 08/006 unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

8. Prior to the commencement of works on the proposed access, details of the culverting of the existing ditch shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, the access shall be constructed in accordance with the approved details.

Reason: In the interests of road safety.

9. Notwithstanding the provisions of Article 3 and Class 1 (*the extension, enlargement, improvement, alteration of the dwelling*) and Class 3 (*building, enclosure, pool, incidental to the enjoyment of the dwelling and maintenance, improvement, alteration thereof*) of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no development shall take place within the curtilages of the dwellinghouses hereby permitted without the prior written consent of the Planning Authority.

Reason: In the interests of visual amenity and in order to protect the privacy and amenity of adjacent residential properties from developments normally carried out without Planning Permission, these normally being permitted under Article 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

NOTES TO APPLICANT

In order to comply with Section 27A(1) of the Town & Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

In order to comply with Section 27B(1) of the Town & Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was complete.

The Area Roads Manager has advised of the following:

- i. The works in association with the formation of the vehicular access shall require a Road Opening Permit;
- ii. The new access shall have a positive system of surface water drainage to prevent water running onto the public road;
- iii. The "*children*" sign presently within the frontage of the site shall be re-positioned in discussion with the Area Roads Manager.

**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01892/PP

Planning Hierarchy: Local Application

Applicant: J D Wetherspoon PLC

Proposal: Change of use of retail premises (Class1) to public house (sui generis), formation of beer garden and external alterations in connection with the proposed use and formation of two retail units

Site Address: 19-29 James Street Helensburgh

SUPPLEMENTARY REPORT NO. 1

1.0 ADDITIONAL INFORMATION

- 1.1 The purpose of this report is to advise Members that a further representation has been received in association with the above proposal, from Gordon and Diane White, 3 Scott Court, James Street (email dated 14/03/2010). This application has been recommended for approval and is under consideration at this Committee.
- 1.2 This letter of representation questioned why one of the vacant shop units is currently being refurbished internally and has a notice in the window advertising that a new shop is opening soon. It is asked if this is a breach of planning.
- 1.3 The application under consideration is for change of use to a public house (sui generis), but also includes two shop units which will remain as retail (Class 1). Since the existing unit benefits from Class 1, no planning permission is required to re-open one of these units and internal alterations are not classified as development. Therefore no breach of planning has taken place and the status of these units does not affect the determination of the current application.

2.0 RECOMMENDATION:

- 2.1 It is recommended that, subject to a discretionary local hearing, Members grant planning permission is subject to the conditions and reasons set out in the original report

Author of Report:
Contact Point:

**Stephanie Glen 15/03/2011
Howard Young 15/03/2011**

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

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**Argyll and Bute Council
Development and Infrastructure Services**

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 11/00210/PP

Planning Hierarchy: Local Application

Applicant: Dunbritton Housing Association

Proposal: Erection of a four storey residential building comprising twelve two bedroom flats.

Site Address: Scrumbles, Upland Road, Garelochhead

SUPPLEMENTARY REPORT No. 1

1.0 INTRODUCTION

The purpose of this supplementary report is to advise Members of a representation received after the main report was completed and a consultee response from the Area Roads Manager.

2.0 ADDITIONAL INFORMATION

Area Roads Manager (memo dated 14 March 2011) – No objections subject to provision of footway linking the site and the existing west footway of Hepburn Road.

Comment: This can be covered by an additional condition.

Correspondence has been received from Jackie Baillie MSP, Constituency Office, 11 High Street, Dumbarton (letter dated 8 March 2011) which comments that residents are objecting on the following grounds:

Inappropriate design out of keeping with neighbouring properties;

Comment: Councillor Freeman has drawn attention to an error in the original report which refers in the description of existing development to a 'mix of terrace and detached houses'. Surrounding development is actually predominantly terraced housing with a number of semi-detached properties. Although there are no flats of the type proposed in the vicinity, it is not considered that their absence should preclude a mix of styles and types of property provided that the amenity of existing properties is not prejudiced.

The design due to its flat roof is contrary to the Council's Design Guidance;

Comment: The amended scheme has a mix of monopitch and flat roofs which does not share the shortcomings of the earlier flat roofed proposal as the amended design adds shape and breaks up the bulk and regularity of the building.

There is concern about the increase in traffic given the already congested nature of local roads;

Comments: the Area Roads Manager has now confirmed no objection on access and parking grounds.

There are drainage issues as the gradient of the site will direct water down towards the main route of the village;

Comments: Additional run-off from the site as a result of roofs and other hard surfaces will be handled as part of the surface water drainage scheme for the development and will be subject to Building Standards approval.

Residents consider that the development will not benefit the area and could affect tourism as the site would detract from the visual amenity of the natural landscape;

Comments: It is not considered that the presence of the building will be so imposing that it would be likely to have any palpable impact upon the tourism potential of the locality.

It will not meet local housing requirements as two other existing housing development have allocated little to local residents.

Comments: Housing Association allocation policies are not material planning considerations.

2.0 CONSIDERATION OF THE NEED FOR A LOCAL HEARING

The number of representations now stands at 20, which take the form of a proforma letter. In considering whether a discretionary local hearing is warranted, it is necessary to consider the fact that this is a brownfield redevelopment site within the 'settlement' area and the fact that that the representations do not raise complex policy or technical issues which would merit additional scrutiny. Accordingly, despite the number of persons making representation, it is not considered that a local hearing is necessary in this case.

4.0 RECOMMENDATION

It is recommended that the contents of this report are noted and that the recommendation is that planning permission be approved subject to the amended conditions and reasons listed overleaf.

Author: Howard Young 01436 658888
Contact Point: Richard Kerr 01546 604845

Angus J Gilmour
Head of Planning & Regulatory Services

14 March 2011

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO 11/00210/PP

1. That the development to which this permission relates must be begun within three years from the date of this permission

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997

2. The development shall be implemented in accordance with the details specified on the application form dated 29/01/2010 and the approved drawing reference numbers L(P)001, L(P)0011, L(P)0012, L(P)0013, L(P)0051, L(P)0052, L(P)0100, L(P)0101, L(P)0102, L(P)0103, L(P)0104, unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

3. Development shall not begin until samples of materials to be use (on external surfaces of the buildings and/or in constriction of hard standings/walls/fences) have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

4. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, and the provision of a Sustainable Urban Drainage System (SuDS) The scheme shall be prepared in accordance with the advice given in Planning Advice Note 61 (PAN 61) 'Planning and Sustainable Urban Drainage Systems' and the 'SuDS Design Manual' (CIRIA C697). The development shall be implemented in accordance with the duly approved surface water drainage system.

Reason: To ensure that an acceptable scheme of surface water drainage is implemented.

5. Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply (and/or public sewer).

Reason: In the interests of public health and to ensure the availability of an adequate water supply (and/or drainage system) to serve the proposed development.

6. A detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In order to ensure that contamination issues on the site have been fully investigated and dealt with.

7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: In order to ensure that contamination issues on the site have been fully investigated and dealt with.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

Reason: In order to ensure that contamination issues on the site have been fully investigated and dealt with.

9. The development shall be landscaped in accordance with a scheme which shall be submitted to and approved by the Planning Authority before development commences. The scheme shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:

(a) Completion of the scheme during the planting season next following the completion of the building or such other date as may be agreed in writing with the Planning Authority.

(b) The maintenance of the landscaped areas for a period of ten years or until established, whichever may be longer. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years or planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping.

10. Prior to works commencing on site details of a footway to link the proposed development to the existing west footway in Hepburn Road shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the footway, as agreed, shall be in place prior to the occupation of the proposed flats.

Reason: In the interests of road safety and to assist with the footway provision for the disabled.

NOTE TO APPLICANT

- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the planning authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997(as amended), it is the responsibility of the developer to submit the attached 'Notice of Completion' to the planning authority specifying the date upon which the development was completed.
- Please note the advice contained within the attached letter from Scottish Water. Please contact them direct to discuss any of the issues raised.
- Please note that MoD has no objections provided the building can withstand 5.2 Kilopascals should an incident occur.

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