

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604444
DX 599700 LOCHGILPHEAD
e.mail –douglas.hendry@argyll-bute.gov.uk

12 May 2011

NOTICE OF MEETING

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 19 MAY 2011** at **2:30 PM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW: 140 EDWARD STREET, DUNOON, PA23 7PH**
 - (a) Notice of Review and Supporting Documents (Pages 1 - 20)
 - (b) Response from Interested Party (Pages 21 - 44)

ARGYLL AND BUTE LOCAL REVIEW BODY

Councillor Rory Colville
Councillor Alex McNaughton

Councillor Roderick McCuish (Chair)

Contact: Fiona McCallum Tel: 01546 604406

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Ref:
AB1

ARGYLL AND BUTE COUNCIL

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

OFFICIAL USE

1/4/11

Date Received

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 10/01623/PP

(b) Date of Submission 23RD SEPTEMBER 2010

(c) Date of Decision Notice (if applicable) 15TH FEBRUARY 2011

(5) Address of Appeal Property

140 EDWARD STREET
DUNOON
PA23 7PH

(6) Description of Proposal

Demolition of extension and alterations to hall to create flat on upper level with car parking space and external alterations at 140 Edward Street, Dunoon

(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)

(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.

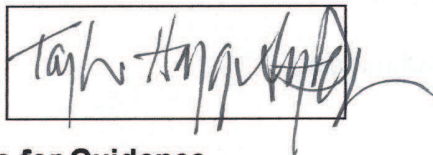
(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

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 894.01, 894.02A, 893/894.CPA
4	COPY OF ACHA LETTER DATED 26 TH APRIL 2010
5	ARGYLL & BUTE COUNCIL LETTER DATED 11 TH NOVEMBER 2010
6	ARGYLL & BUTE COUNCIL LETTER DATED 6 TH JANUARY 2011
7	ARGYLL & BUTE COUNCIL LETTER DATED 14 TH JANUARY 2011
8	TAYLOR HAGGARTY DESIGN LETTER DATED 12 TH DECEMBER 2010
9	TAYLOR HAGGARTY DESIGN LETTER DATED 10 TH JANUARY 2011
10	

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

Submitted by
(Please Sign)



Dated

31 / 3 / 11

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

29/3/11

Issued by (please sign)



SUBMISSION TO REVIEW BOARD

140 Edward Street Dunoon Application No. 10/01623/PP

There was only one reason listed for refusal of the application viz.

'The lack of dedicated off-street car parking spaces to serve the proposed three bedroom flat could result in pedestrian and road safety in addition to exacerbating on-street parking problems associated with the current use of the hall and contrary to the provisions of LP TRAN 6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. 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.'

While it is the case that the original proposals included one car space accessed from Edward Street, Operational Services Bute & Cowal Area recommended refusal of the application due to under provision of car spaces and that the available sightlines were below the required standards.

The proposals were then amended to omit the single on site car space and show a pedestrian access to the adjoining car park administered by Argyll Community Housing Association. Our client obtained a letter from ACHA confirming that *'we have no objections to you utilising 2 of the parking spaces for your convenience as your property is adjoining the car park.'*

A copy of ACHA's letter was forwarded to the Planning Officer Mr Brian Close on 8th November 2010 together with a copy of our drawing no. 893/894.CPA showing the car park layout. The response dated 11th November 2010 stated that *'Notwithstanding the confirmation that surplus car spaces could be made available within the adjacent ACHA development, the requisite number of car parking spaces to support the application above must be dedicated and therefore shown within the red line application boundary, or the subject of a section 75 Agreement.'*

A telephone discussion between Mr. Taylor and Mr. Close took place on 11th December 2010 when it was confirmed by Mr. Close that the red line boundary could include ground not owned by the applicant. If this was done then he would arrange for the owners who had access to the car park to be formally notified of the proposals. (see THD's letter of 12th December 2010).

The response from the Planning Officer dated 6th January 2011 acknowledging receipt of the 12th December letter and enclosure commented that as *The revised application site boundary to include 'divorced' car parking spaces is considered 'material' in nature and as such, will require to be the subject of a fresh application that would be determined on its individual merits.*

The contents of the letter of 6th January were so completely at odds with THD's letter of 12th December 2010 that an explanation was sought in THD's letter of 10th January 2011. The response dated 14th January 2011 included the statement - *Notwithstanding that the revised red line boundary now includes two off-street car parking spaces, it was originally envisaged that these changes could be incorporated within the current scheme. However the inclusion of the car parking spaces, and on land outwith the applicant's control is considered to be 'material' in nature and as*

such, will require to be the subject of a fresh application with fresh planning fee and advertisement fee.

The Planning Officer's opinion changed from the alteration of the redline boundary being 'non material' to 'material'.

CONCLUSION

The provision of off street car spaces which meet the Roads Authorities guidelines is met using the available surplus spaces referred to in ACHA's letter, which grants permission for the use.

The vehicular access from John Street to the car park meets the Roads Authorities sightline criteria.

The docquetted drawings stamped as refused on 15 February 2011 show the location of the available off street spaces and the access thereto from the applicant site. The number of spaces made available by ACHA meets the requirements of LP TRAN 6.

The revised drawings deal with all the points listed in the reason for refusal of the application and as such remove the cause for the refusal of the application.



Planning & Regulatory Services

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

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: 10/01623/PP

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

I refer to your application dated 23rd September 2010 for planning permission under the above mentioned Act and Regulations in respect of the following development:

Demolition of extension and alterations to hall to create flat on upper level with car parking space and external alterations at 140 Edward Street Dunoon Argyll And Bute PA23 7PH

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 contained in the attached appendix**

Dated: 15 February 2011

Angus J. Gilmour
Head of Planning and Regulatory Services

www.argyll-bute.gov.uk



REASON FOR REFUSAL RELATIVE TO APPLICATION NUMBER 10/01623/PP

1. The lack of dedicated off-street car parking spaces to serve the proposed three bedroom flat could result in pedestrian and road safety in addition to exacerbating on-street parking problems associated with the current use of the hall and contrary to the provisions of LP TRAN 6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. 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 10/01623/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. The notice of review should be addressed to the Director of Customer Services, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.
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).

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/01623/PP

- (A) The reasons why planning permission has been refused

The lack of dedicated off-street car parking spaces to serve the proposed three bedroom flat would be contrary to the provisions of LP TRAN6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. Accordingly, the proposal would be contrary to Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Local Plan (August 2009), 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.

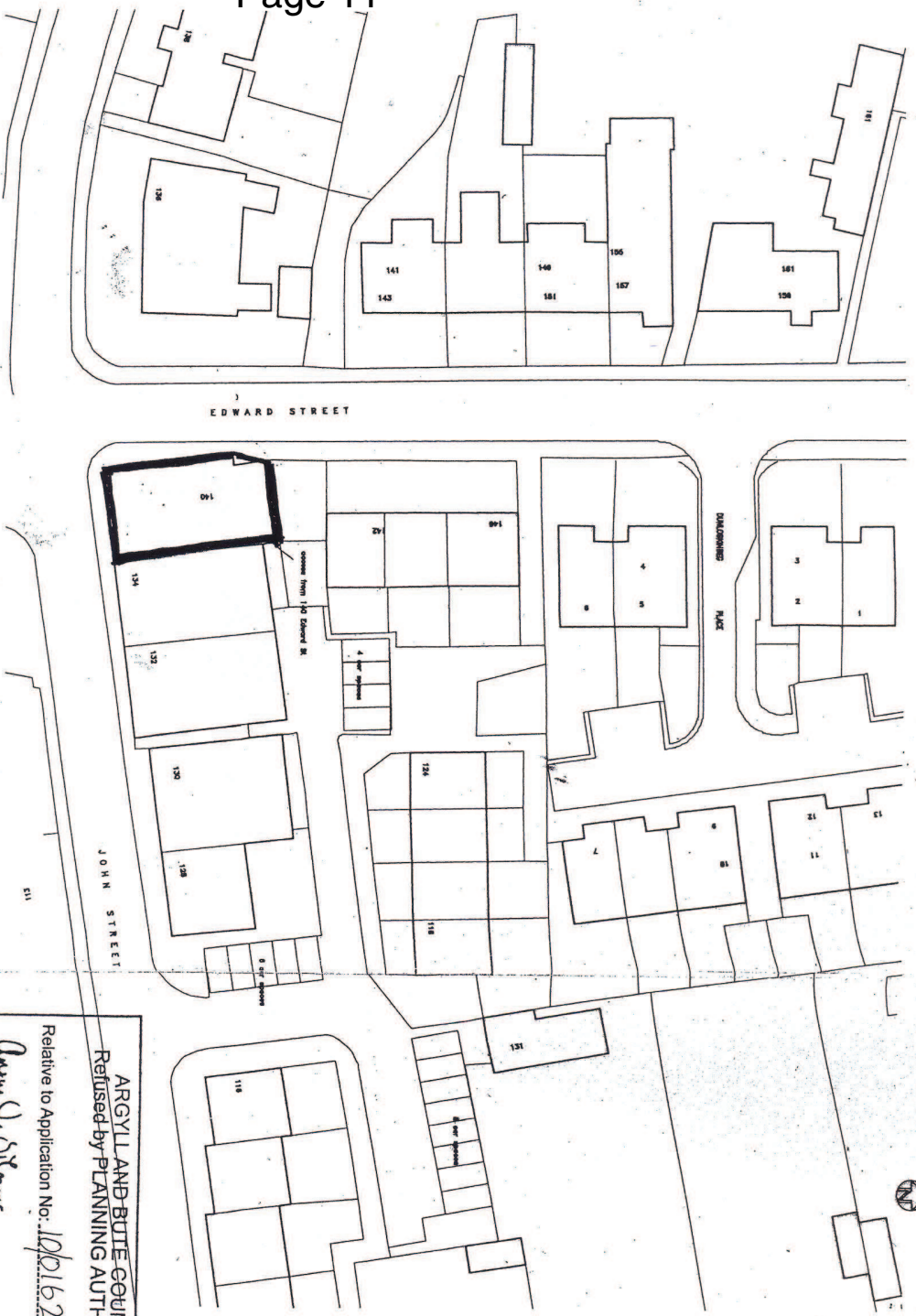
- (B) Submitted Drawings

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

894.01 'Existing Plans' dated 22nd September 2010;
894.02 Rev A 'Proposed Plans' received 21st December 2010;
893/894.CPA 'Car Parking' received 21st December 2010.

- (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.

Yes. Agent submitted revised drawings indicating omission of single car parking space close to entrance to hall off Edward Street and indication of four car parking spaces within rear parking court, but these are outwith the red line boundary of the application site.



21 DEC 2010

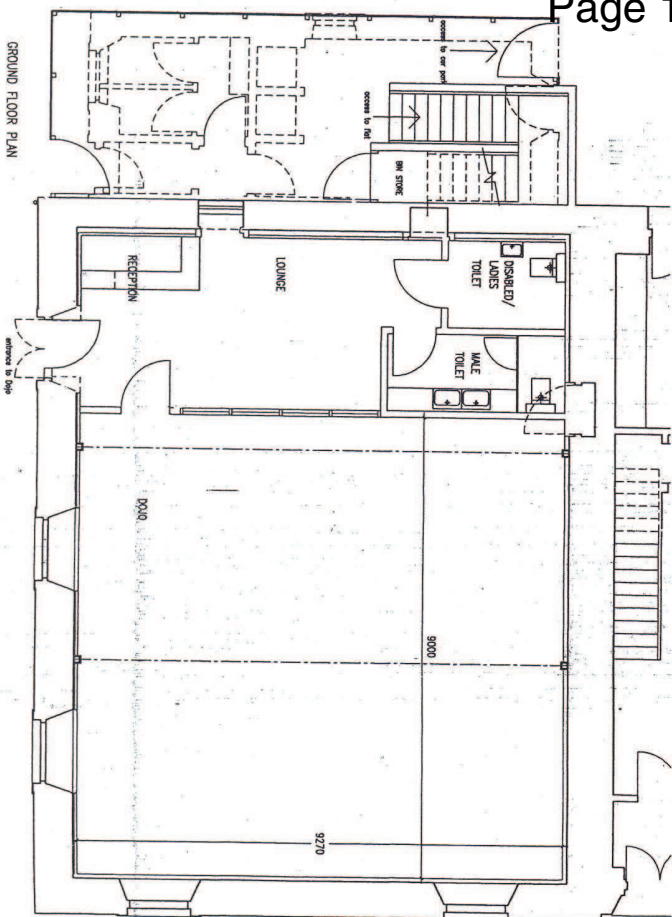
AMENDED PLAN
 Reference No. 10/01623/PP
 Date Received 21/12/10

Argyll and Bute Council
 Planning and Regulatory Services
 Application ref no: 10/01623/PP
 Date received: 21/12/10
 Plan no: 3/3
 Initials: AC

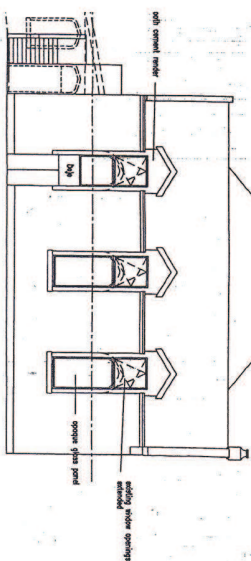
ARGYLL AND BUTE COUNCIL
 Refused by PLANNING AUTHORITY
 Relative to Application No: 10/01623/PP
 Date: 15 FEB 2011
 Head of Planning and Regulatory Services
 DATED 15 FEB 2011
 SIGNED

THIS IS THE PRINCIPAL / A TRUE COPY OF THE DRAWING REFERRED TO IN THE APPLICATION FOR PLANNING / BUILDING WARRANT

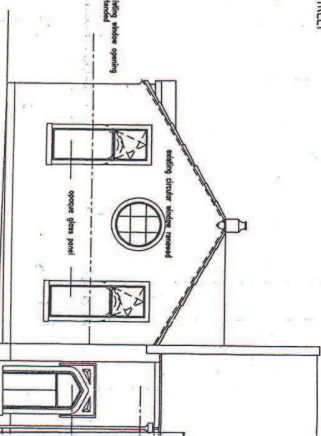
A. McAlister esq.		CAR PARKING
Proposed Alterations & Extension to form 1st Floor Flat at 140 Edward Street Dunoon		
 <p>TAYLOR HAGARTY DESIGN 1A Maerum Street GREENOCK PA15 4PP Tel: 01475 785577 e-mail: taylo-hagarty-design@tvgin.net</p>		drawing no. 893/894.CPA scale: 1/500 date: May'10



UPPER FLOOR PLAN



CROSS SECTION



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY

Relative to Application No: 10/01623/PP

Angus J. O'Sullivan

Head of Planning and Regulatory Services

Date: 15 FEB 2011

ELEVAT 3 EDWARD STREET

ELEVATION JOHN STREET

AMENDED PLAN	
Reference No.	10/01623/19
Date Received	21/12/10

THIS IS THE ORIGINAL / A TRUE COPY OF THE DRAWING REFERRED TO IN THE APPLICATION FOR PLANNING / RECORDING / TOWNPLANNING—

DATED

STONE

A. Mocalister esq.

Proposed Alterations & Extension to form
1st Floor Flat at
140 Edward Street Dunoon

PROPOSED PLANS

Application ref no: 10/06/23
 Date received: 21/11/23
 25

Initials

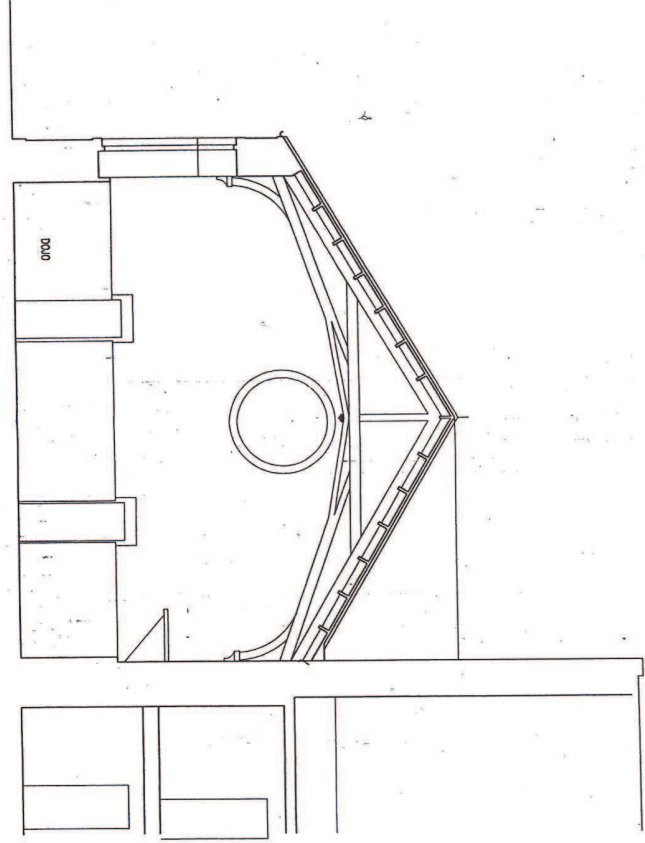
TAYLOR MAGGARTY DESIGN

Chartered Accountant

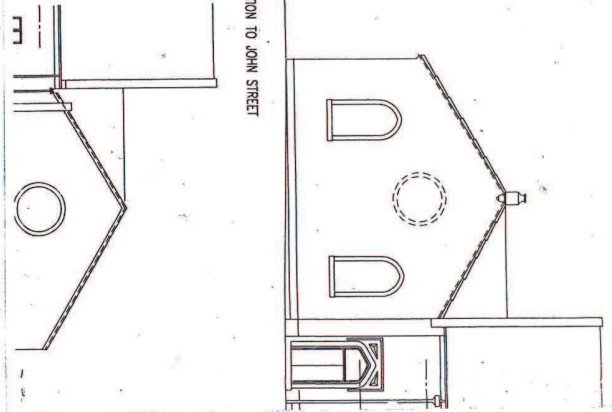
894.02A

Scale: 1/50 December '10

CROSS SECTION

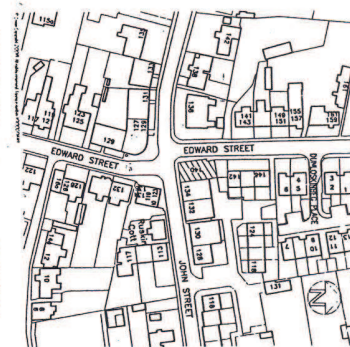


ELEVATION TO JOHN STREET



LOCATION PLAN

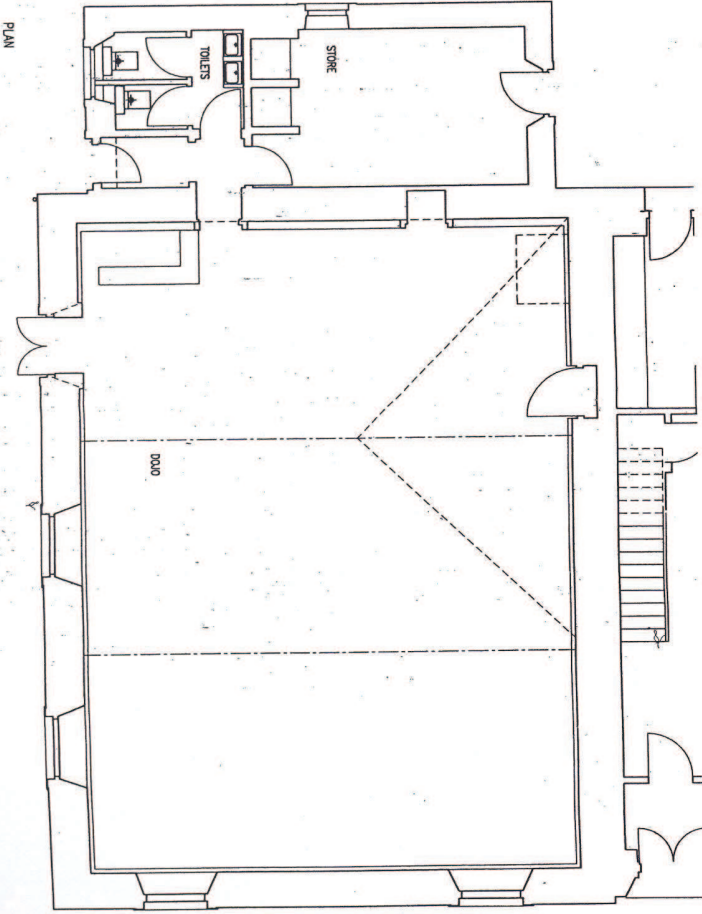
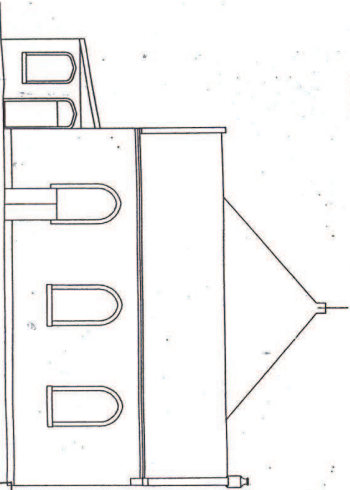
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SIDE ELEVATION



ELEVATION TO EDWARD STREET



ARGYLL AND BUTE COUNCIL
Refused by PLANNING AUTHORITY
Relative to Application No: 1001623/PP
Angus V. Gilmour
Head of Planning and Regulatory Services
15 FEB 2011
Date:



TAYLOR HAGARTY DESIGN
Chartered Architects
14a Nelson Street
Glasgow G1 1 10001
e-mail: taylor.hagarty@taylorhagarty.com

894.01

Scale: 1/50

date

EXISTING PLANS

Proposed Alterations & Extension to form
1st Floor Flat at
140 Edward Street Dunoon

A. Macalister 659.

DATE 22/1/19
DRAWN FOR TAYLOR HAGARTY DESIGN

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

Application ref no.	1001623/PP
Date received	22/1/19
Plan no.	1/3
PO Initials	

493
④

ACHA - Putting Tenants First



Tel: 01369 708688 Fax: 01369 708694
Our Ref: NB264 Your Ref:
If phoning or calling please ask for: Nick Bancks
E-mail: housing.cowal@acha.co.uk
Dolphin Hall, Manse Avenue, Dunoon PA23 8DQ
www.acha.co.uk

26th April 2010

RECEIVED
13 APR 2010

Dear Mr A McAlister

I am writing following your recent enquiry regarding the parking allocations at the car park to the rear of the John Street houses.

I can confirm that the Association has not specifically allocated any parking spaces to its tenants and that we have no objections to you utilising 2 of the parking spaces for your convenience as your property is adjoining the car park. This permission is granted on the ground that the parking spaces are utilised for vehicles only.

Should you require any further assistance with this matter please don't hesitate to contact me.

Yours sincerely

Nick Bancks
Local Manager Property Services

Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Development and Infrastructure Services

Director: Sandy Mactaggart

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

Date: 11th November 2010

Our Ref: 10/01623/PP
Contact: Brian Close;
Direct Line: (01369) 708604

Taylor Haggarty Design
1A Mearns Street
Greenock
PA15 4PP



Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 10/01623/PP;
DEMOLITION OF EXTENSION AND ALTERATIONS TO HALL TO CREATE FLAT ON UPPER
LEVEL WITH CAR PARKING AND EXTERNAL ALTERATIONS;
DOJO, 140 EDWARD STREET, DUNOON, ARGYLL.**

With reference to the application above, my email dated 26th October 2010 and your letter dated 8th November 2010, the following comments are made without prejudice.

Notwithstanding the confirmation that surplus car parking spaces could be made available within the adjacent ACHA development, the requisite number of car parking spaces to support the application above must be dedicated and therefore shown within the red line application boundary, or the subject of a Section 75 Agreement.

As the application stands, it lacks sufficient and acceptable car parking to support the proposed 3-bedroom flat and could be determined as submitted with an appropriate recommendation.

If I do not hear from you by no later than 19th November 2010, this application will be recommended for refusal. Alternatively, you could withdraw this application and resubmit with adequate car parking arrangements included within the application site boundary. Should you wish to further discuss these proposals, please do not hesitate to contact me at the number above (or on brian.close@argyll-bute.gov.uk).

Yours faithfully

Planning Officer
Development Management
Bute and Cowal



Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Development and Infrastructure Services

Director: Sandy Mactaggart

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

Date: 6th January 2011

Our Ref: 10/01623/PP
Contact: Brian Close;
Direct Line: (01369) 708604

Taylor Haggarty Design
1A Mearns Street
Greenock
PA15 4PP



Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 10/01623/PP;
DEMOLITION OF EXTENSION AND ALTERATIONS TO HALL TO CREATE FLAT ON UPPER
LEVEL WITH CAR PARKING AND EXTERNAL ALTERATIONS;
DOJO, 140 EDWARD STREET, DUNOON, ARGYLL.**

With reference to your letter and submission received 29th December 2010, the following comments are made without prejudice.

The revised application site boundary to include 'divorced' car parking spaces is considered to be 'material' in nature and as such, will require to be the subject of a fresh application that would be determined on its individual merits.

Any application should include a clear statement indicating that your client has control over these car parking spaces and if not, would be agreeable to the use of a Section 75 Agreement to secure the provision of two dedicated car parking spaces required for the proposed flat.

Alternatively, the application above could be determined with as submitted with an appropriate recommendation.

If I do not hear from you by no later than 14th January 2010, this application will be recommended for refusal. Alternatively, you could withdraw this application and resubmit a fresh application as outlined above. Should you wish to further discuss these proposals, please do not hesitate to contact me at the number above (or on brian.close@argyll-bute.gov.uk).

Yours faithfully

Planning Officer
Development Management
Bute and Cowal



Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid



Development and Infrastructure Services

Director: Sandy Mactaggart

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

Date: 14th January 2011

Our Ref: 10/01623/PP
Contact: Brian Close; Direct Line: (01369) 708604

Taylor Haggarty Design
1A Mearns Street
Greenock PA15 4PP



Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 10/01623/PP; DEMOLITION OF EXTENSION AND
ALTERATIONS TO HALL TO CREATE FLAT ON UPPER LEVEL WITH CAR PARKING
AND EXTERNAL ALTERATIONS; DOJO, 140 EDWARD STREET, DUNOON, ARGYLL.**

With reference to your letter dated 10th January 2011, the following comments are made without prejudice which I trust will offer an explanation as to why the department cannot support the application above.

Following the submission of revised drawings on 10th December 2010, these were subsequently superseded by a further set of drawings accompanying your letter dated 12th December 2010. The second set of revised drawings were submitted in response to my requests (email dated 8th December 2010, letter dated 11th November 2010 and email dated 26th October 2010) for the required off-street car parking spaces to be included within the application red line boundary.

Notwithstanding that the revised red line boundary now includes two off-street car parking spaces, it was originally envisaged that these changes could be incorporated within the current scheme. However, the inclusion of the car parking spaces, and on land outwith the applicant's control, is considered to be 'material' in nature and as such, will require to be the subject of a fresh application with fresh planning fee and advertisement fee.

A revised application should also include confirmation by Ownership Certification that the applicant does not own or control all of the application site edged red but has notified all other owner(s). The letter from ACHA dated 1st November 2010 merely confirms 'no objection' to the use of their car parking spaces but for the purposes of a revised application, these two spaces require to be dedicated and delineated for use by the occupants of the proposed flat only. A supporting letter from ACHA would also assist in this matter to help explain where the other properties park their vehicles in the rear courtyard.

Given the above, it is suggested that the application above be withdrawn and a fresh application submitted. A pre-application meeting/discussion would be beneficial prior to lodging a revised scheme. Alternatively, the application above could be determined with 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



December 12 2010

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

Dear Sir,

Proposed Hall Sub-division to form 1st Floor Flat @ 140 Edward Street, Dunoon
Mr. A. MacAlister

We refer to the Planning Application ref: 10/01623/PP and our telephone discussion yesterday.

We enclose one of our drawing number 893/894.CPA showing the revised red line around the adjacent car spaces as agreed.

We understand that you will write to the owners who have access to the car park giving formal notice of the proposal.

Yours faithfully,

Taylor Haggarty Design
encl.

January 10 2010

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

Dear Sir,

Proposed Hall Sub-division to form 1st Floor Flat @ 140 Edward Street, Dunoon
Mr. A. MacAlister

We are in receipt of your letter dated 6th January 2011 in respect of the above which we find bizarre in the extreme.

Our letter and enclosures dated 14th December 2010 was sent following your advice that this would allow the application to be determined favourably provided no objections were received following your notification of the affected owners.

What has happened in the period between our conversation and your letter of the 6th January to change your position on this application?

I look forward to your explanation.

Yours faithfully,

John J Taylor
Taylor Haggarty Design

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

**REFUSAL OF PLANNING PERMISSION FOR DEMOLITION OF
EXTENSION AND ALTERATIONS TO HALL TO CREATE FLAT ON
UPPER LEVEL WITH CAR PARKING SPACE AND EXTERNAL
ALTERATIONS 140 EDWARD STREET, DUNOON, ARGYLL PA23
7BN.**

APPEAL REF. NO. 11/00004/REFPLA

LOCAL REVIEW BODY REF. 11/0003/LRB

PLANNING PERMISSION APPLICATION

REFERENCE NUMBER 10/01623/PP

13th April 2011

STATEMENT OF CASE

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

An application for planning permission (ref. 10/01623/PP) for demolition of extension and alterations to hall to create flat on upper level with car parking space and external alterations at 140 Edward Street, Dunoon ('the appeal site') was refused under delegated powers on 15th February 2011. The planning application has been appealed and is the subject of referral to a Local Review Body.

DESCRIPTION OF SITE

The subject of this application is the smaller of two attached former church halls at the junction of Edward Street and John Street, Dunoon. The smaller hall was converted to a karate hall following approval in 1992 and the larger hall converted to two dwellinghouses following approval in 1997.

Parking for the dwellinghouses in the converted larger hall takes the form of integral garages to the rear. Parking in the surrounding area is limited due to proximity to the John Street/Edward Street junction, waiting restrictions and use of the hall as a karate club.

SITE 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 application premises) was converted for use as a sports hall.

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.

[Related applications for the attached larger hall (that was never converted to a sports hall) include:

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.]

STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED

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

STATEMENT OF CASE

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

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

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations. The consultation comments submitted by statutory consultees (Appendix 2) are attached for the purpose of clarity.

REQUIREMENT FOR ADDITIONAL INFORMATION AND HEARING

It is considered that no new information has been raised in the appellants' submission which would result in the Planning Department coming to a different determination of this proposal. The issues raised were covered in the Report of Handling which is contained in Appendix 1. As such, it is considered that Members have all the information they need to determine the case. Given the above and that the proposal is small-scale, has no complex or challenging issues and has not been the subject of significant body of conflicting representation, then it is considered that a Hearing is not required.

COMMENT ON APPELLANT'S SUBMISSION

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

1. *The applicant's agent outlines the history of the original proposal highlighting Roads requirement for additional car parking and poor sightlines. The proposals were then amended to take on board these comments and omit the single car parking space off Edward Street and included a letter from Argyll Community Housing Association (ACHA) that two car parking spaces could be made available in the courtyard to the rear of the hall. The agent acknowledges the subsequent letter from the department stating that the car parking spaces must be dedicated and shown within the red line boundary, or the subject of a Section 75 Agreement.*

A subsequent telephone discussion between the agent and the department suggested that the amended proposal could be formally notified but this was later ruled out as being 'material' in nature requiring a fresh application.

Comment: The applicant's agent was advised of the requirement for the car parking spaces to be included within the red line on a number of occasions. The reason that the car parking spaces belonging to ACHA could not be dealt with under application ref. 10/01623/PP was that this involved extending the original red line boundary to include two car parking spaces that could have an impact on the existing parking and access arrangements for the surrounding residential properties which these car parking spaces were originally designed for. For these reasons, the revised proposal was considered to be 'material' in nature which would require to be the subject of a fresh application.

2. The agent concludes that the provision of off-street car parking spaces which meet the Roads Guidelines is met using the available surplus spaces referred to in ACHA'S letter, which grants permission for the use.

Comment: While ACHA have intimated that 'surplus' car parking spaces may be available, these require to be effectively 'tied' to the development proposal. This issue has been raised with the applicant's agent on a number of occasions for this and previous applications. ACHA's letter of acceptance to release 'surplus' parking spaces does not in itself constitute planning permission. These spaces need to be shown within the red line boundary of the application site and neighbour notified accordingly. This has not yet been done.

Additionally, Roads require the requisite number of car parking spaces to be 'allocated' , not 'unallocated', as proposed in the revised drawing 893/894.CPA on 29th December 2010.

3. The agent states that the vehicular access from John Street to the car park meets the Roads Authorities sightline criteria.

Comment: As indicated above, the red line boundary (on refused drawing ref. 893/894.CPA submitted 21st December 2010) does not include the car parking spaces that are located to the rear and accessed by John Street. There is however no reason to doubt that the existing sightlines serving the ACHA housing court meet the required sightline criteria as this is an adopted road junction. The provision of two car parking spaces can only be fully assessed when these are included within the red line boundary and fully justified by ACHA that their use for the proposed flat would not have a detrimental impact on the existing car parking arrangements for all other dwellinghouses served by this car park area to the rear.

4. The agent states that the docquetted drawings stamped as refused on 15 February 2011 show the location of the available off-street spaces and the access thereto from the application site. The number of spaces made available by ACHA meets the requirements of LP TRAN6.

Comment: The refused drawings depict clearly an application boundary around the hall only. Any annotated notes on this drawing outwith the application site boundary have no planning status. In any event, these four car parking spaces are 'unallocated' and in use by residents as depicted in photographs (Appendix 3).

5. *The agent suggests that the revised drawings deal with all of the points listed in the reason for refusal of the application and as such remove the cause for the refusal of the application.*

Comment: The revised drawings had no formal planning status due to the 'material' nature of the revisions that could not be accepted under application ref. 10/01623/PP. The revised drawings require to form part of a fresh submission that would be considered on its individual merits.

CONCLUSION

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

The attached Report of Handling clearly details why planning permission could not be supported due to the lack of suitable car parking and the supporting documentation offers clear advice that the proposed flat requires 'allocated' car parking together with a reasonable justification supplied by ACHA as to why these spaces are surplus to their requirements. At various site inspections these unallocated spaces were being used by the surrounding properties. However, inclusion of two 'allocated' car parking spaces within a revised application red line boundary with a full justification from ACHA may allow a further consideration of the scheme.

Roads previously objected to the inclusion of a single car parking spaces accessed from Edward Street but this has now been omitted. Roads require any future application to be supported by two 'allocated' car parking spaces.

Letters and emails contained in the appendices clearly indicate advice given to the agent during the course of the application and problems encountered with the submitted drawings.

On the basis of the above, the department considers that the applicant's agent was properly advised on a number of occasions as to what was required to address the parking deficiency. This has not been done and the department feels that it was correct to expect a minimum of two 'allocated' car parking spaces for the proposed flat and accordingly refuse the application under the terms of policies LP ENV19 and LP TRAN 6 of the Argyll and Bute Local Plan (2009).

Taking account of all of the above, it is respectfully requested that the appeal be dismissed.

APPENDICES

Appendix 1 Report of Handling dated 15th February 2011

Appendix 2 Consultation comments submitted by statutory consultees

Appendix 3 Photographs of the appeal site and car parking court 14th December 2010

Appendix 4 E-mail to agent dated 26th October 2011

Appendix 5 Letter to agent dated 14th January 2011

Appendix 6 Letter to agent dated 2nd February 2011

Argyll and Bute Council
Development and Infrastructure Services

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

Reference No: 10/01623/PP
Planning Hierarchy: Local application
Applicant: Alistair McAlister
Proposal: Demolition of extension and alterations to hall to create flat on upper level with car parking space and external alterations.

Site Address: 140 Edward 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 sports hall to create residential flat on upper level;
External alterations to hall.
 - (ii) **Other specified operations**
Demolition of side extension;
Connection to public water main and public wastewater system.
-

(B) RECOMMENDATION:

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

(C) HISTORY

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

Related applications for the attached larger hall (that was never converted to a sports hall) include:

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.

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.

(D) CONSULTATIONS:

Area Roads Manager (response dated 8th December 2010): Recommend refusal on grounds that the provision of one car parking space and available sightlines from that space are below the required standards. The required southbound sightline cannot be achieved due to the position of the building whilst the northbound sightline would require to be the subject of a Section 75 Agreement as the visibility splay is on ground outwith the applicant's control.

Note: This car parking space has now been deleted from the proposal meaning that there is no dedicated off-street car parking for the proposed development. Roads require a minimum of 2 off-street spaces.

Scottish Water (response dated 16th November 2010): No objection in principle but potential capacity issues in respect of connection to public wastewater system. Separate surface water drainage system required. Advisory notes recommended.

(E) PUBLICITY: The application was advertised under Regulation 20(1) Advert Statement (publication date 5th November 2010, expiry date 26th November 2010).

(F) REPRESENTATIONS:

One letter of support has been received from Argyll Community Housing Association (ACHA) letter dated 1st November 2010. ACHA comment that as owner/landlord of the property at 142 Edward Street, they have no objections to the alterations described in the neighbour notification.

(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:** No.
- (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;

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

Proposal

The 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. The two dwellinghouses within the adjoining conversion (ref. 97/01136/COU) were designed with integral garages that were considered to offer an acceptable standard of off-street parking provision at that time.

The proposal involves the conversion of the hall to create a three bedroom flat on the upper level. An existing outbuilding on the northern elevation will be demolished to make way for an external staircase leading to the upper flat. *[In the area where the outbuilding will be demolished on the northern elevation, a single car parking space was proposed parallel to Edward Street, but this has now been omitted following Roads comments].* Other external alterations include modifications to existing feature windows on the Edward Street and John Street elevations.

Assessment

The Area Roads Manager has recommended refusal based on insufficient car parking provision to serve the large flat. One space is proposed where the requirement for a three-bedroom unit is 2 spaces. Additionally, it is considered that the location and configuration of a single car parking space would not allow a vehicle to manoeuvre safely. Furthermore the southbound sightline cannot be achieved due to the presence of the hall itself whilst the northbound sightline would involve a Section 75 Agreement as the visibility splay is on land outwith the applicant's control. This single space has now been omitted and a revised plan submitted indicating (outwith the application red line boundary) a pedestrian access from the building leading to a bay of four car parking spaces that serve terraced properties to the rear. The applicant has been advised that the inclusion of at least two of these spaces within the red line boundary is crucial to the success of this proposal but altering the red line to include these spaces is regarded as a 'material' amendment that would necessitate a fresh application.

Whilst ACHA have raised no objection to the proposal, these two spaces require to be dedicated for the sole use of the proposed flat and this can only be done by the use of planning conditions and/or a Section 75 Agreement. A visit to the site indicated that these spaces may still be in use by the tenants of the terraced properties and may not be surplus to requirements.

It was therefore suggested that the applicant withdraw the current application and submit a fresh application that would include requisite off-street parking provision within the red line. The applicant has however confirmed that he wishes his application determined as submitted. For clarification, that is the red line around the hall only with no dedicated off-street car parking shown.

Given the above, it is considered that the lack of dedicated off-street car parking provision could result in pedestrian and road safety in addition to exacerbating on-street parking problems associated with the current use of the hall. Accordingly, the proposal would be contrary to Policy LP ENV19 Development Setting, Layout and Design including Appendix A Sustainable Siting and

Design Principles and LP TRAN 6 Vehicle Parking Provision of the Argyll and Bute Local Plan (August 2009), including Appendix C Access and Parking Standards where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces.

CONCLUSION

The intensification of the existing hall to incorporate a large flat at upper level could lead to traffic and pedestrian safety concerns with insufficient off-street car parking proposed. The proposal would be contrary to policies LP ENV 19 and LP TRAN 6 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 granted. n/a

(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: 8th February 2011

Reviewing Officer: David Eaglesham

Date: 15 February 2011

Angus Gilmour
Head of Planning

REASONS FOR REFUSAL RELATIVE TO APPLICATION REF. NO. 10/01623/PP

1. The lack of dedicated off-street car parking spaces to serve the proposed three bedroom flat could result in pedestrian and road safety in addition to exacerbating on-street parking problems associated with the current use of the hall and contrary to the provisions of LP TRAN 6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. 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.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/01623/PP

- (A) The reasons why planning permission has been refused

The provision of no dedicated off-street car parking spaces to serve the proposed three bedroom flat would be contrary to the provisions of LP TRAN6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. Accordingly, the proposal would be contrary to Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Local Plan (August 2009), 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:

894.01 'Existing Plans' dated 22nd September 2010;
894.02 Rev A 'Proposed Plans' received 21st December 2010;
893/894.CPA 'Car Parking' received 21st December 2010.

- (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.

Yes. Agent submitted revised drawings indicating omission of single car parking space close to entrance to hall off Edward Street and indication of four car parking spaces within rear parking court, but these are outwith the red line boundary of the application site.

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OBSERVATIONS ON PLANNING APPLICATION

Grid Reference: NS1777

Dated: 10/10

RECEIVED - 8 DEC 201

Planning No 10/01623/PP
Contact: FARRELL PR
Tel: 01369708600

Received: 10/10.

Applicant: Alister McAlister

Proposed Development: hall sub division to form 1st floor flat

Location: 140 Edward Street Dunoon

Type of Consent: Change of use

Ref No(s) of Drg(s) submitted: Location & Site Plans and details (2)

RECOMMENDATION	REFUSE
----------------	--------

Proposals Acceptable Y or N

1. General

(a) General impact of development	N
(b) Safety Audit Required	N
(c) Traffic Impact Analysis	N
(d) Flooding Assessment	N

2. Existing Roads

(a) Type of Connection (Road Junct/Footway Crossing)	N
(b) Location(s) of Connection(s)	N
(c) Sightlines 42 x 2.4m	N
(d) Pedestrian Provision	Y

Proposals Acceptable Y or N

3. New Roads N/A

(a) Widths	
(b) Pedestrian Provision	
(c) Layout (Horizontal/ Vertical alignment)	
(d) Turning Facilities (Circles/Hammerheads)	
(e) Junction Details (Locations/Radii/Sightlines)	
(f) Provision for PU	

Proposals Acceptable Y or N

4. Servicing & Car Parking

(a) Drainage	Y
(b) Car Parking Provision	N
(c) Layout of Parking Bays/ Garages	N
(d) Servicing Arrangements/ Driveways	N

5. Signing N/A

(a) Location	
(b) Illumination	

Item Ref	COMMENTS
1	This development is on the corner of Edward Street and John Street within an urban 30mph speed restriction in Dunoon. The location of the single proposed parking bay is some 14 metres from the junction with John Street beside the 1 metre wide proposed pedestrian access serving the new flat. The available sightlines coupled with the inability to turn the vehicle off road do not provide a safe location for the access. The vehicle access to be constructed as per Fig 10.16 of the Council's Development Guidelines. The parking requirement for a 3 bedroomed dwellings is a minimum of 2 spaces. Ideally with turning provision within the site. The proposed access to the Dojo is on a section of footway which has a width of some 1.5 metres and is now located 12 metres way from the junction.
2b	
2c	
4b	
2c	The ownership of the ground to the north of the site will need to be determined to ascertain if a sightline can be maintained in this direction along with a Section 75 Agreement required for where it passes through the frontage of 142 Edward Street. A Road Opening Permit will be required for the construction of the vehicle access.

Item Ref	REASONS FOR REFUSAL
4, 2 4b	This provision of parking spaces and available sightlines are both below the required standards For a 3 bedroomed dwelling the minimum requirement is 2no. spaces. The vehicle access to be constructed as per Fig 10.16 of the Council's Development Guidelines.
2c	
	The required sightlines of 42 x 2.4 metres to the south are not attainable due to the building itself and on the north a Section 75 Agreement will be required as the visibility splay crosses the garden of 142 Edward Street and ground outwith the applicant's control.

Notes for Intimation to Applicant

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

*Relevant Section of the Roads (Scotland) Act 1984

Signed: _____ Paul R Farrell _____ Date 08/12/10.

Copies to: Planning ☐ Maint ☐ SOID ☐ File ☐

16th November 2010

Argyll & Bute Council
Development Services
Milton House
Milton Avenue
Dunoon
PA23 7DU

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

RECEIVED 16 NOV 2010

Dear Sir/Madam

PLANNING APPLICATION NUMBER: 10/01623/PP
DEVELOPMENT: 140 Edward Street, Dunoon, Argyll and Bute, PA23 7PH
OUR REFERENCE: 482732
PROPOSAL: Demolition of extension and alterations to hall to create flat on upper level with car parking and external alterations.

Please quote our reference in all future correspondence

In terms of planning consent, Scottish Water does not object to this planning application. However, please note that any planning approval granted by the Local Authority does not guarantee a connection to our infrastructure. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received. Approval for connection can only be given by Scottish Water when the appropriate application and technical details have been received.

Loch Eck Water Treatment Works currently has capacity to service this proposed development.

The water network that serves the proposed development is currently able to supply the new demand.

Dunoon, Careers Wastewater Treatment Works – at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.

Wastewater Network – Our initial investigations have highlighted there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. The Developer should discuss the implications directly with Scottish Water.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will require to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

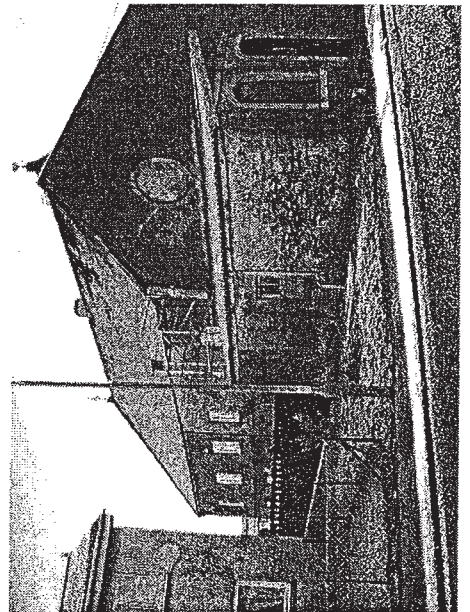
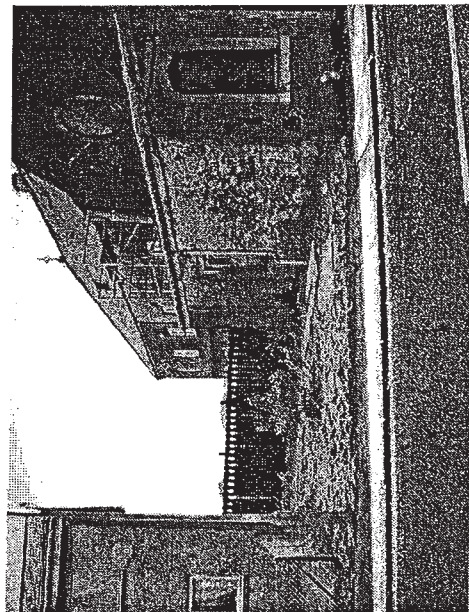
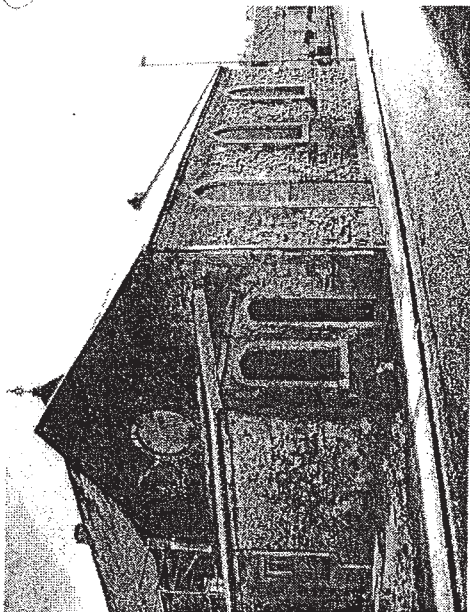
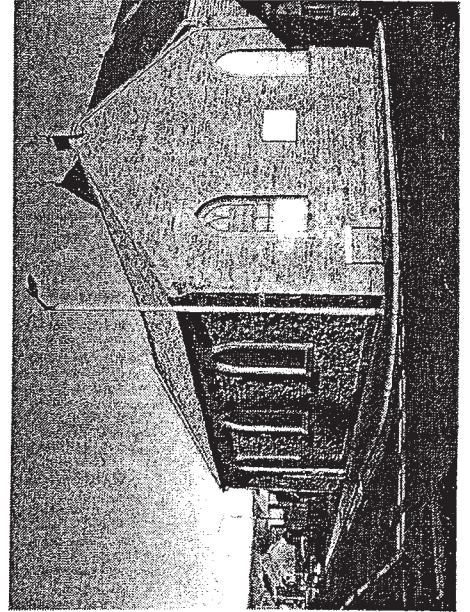
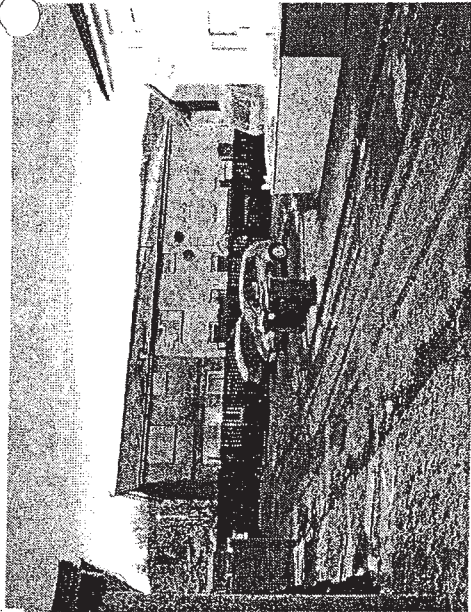
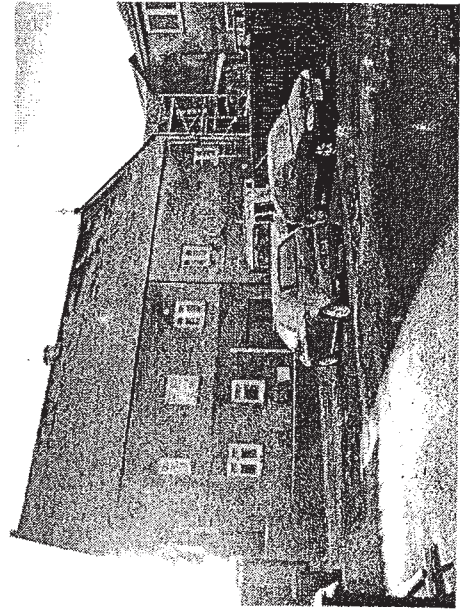
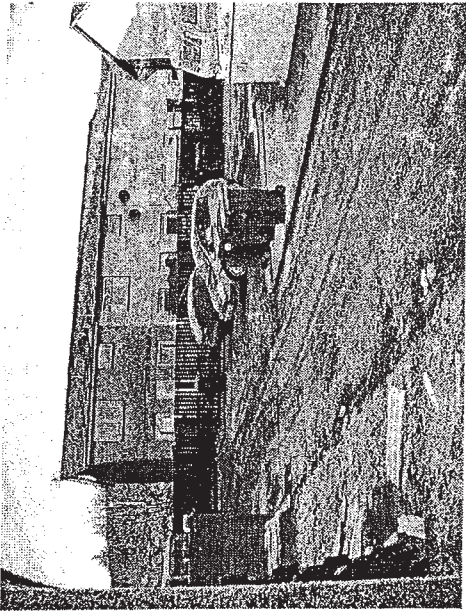
Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Morven Henderson
Customer Connections Administrator
Tel: 0141 355 5289
morven.henderson@scottishwater.co.uk

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Close, Brian

From: Close, Brian
Sent: 26 October 2010 16:03
To: 'taylor-haggarty.design@virgin.net'
Subject: Application ref. 10/01623/PP Dojo Conversion Edward Street, Dunoon

FAO John Taylor,

John,

Bit of a problem with this application I am afraid. Following refusal of application ref. 09/00962/COU on 29th September 2009, I thought that any additional surplus car parking spaces from ACHA were to be included within the red line boundary together with confirmation from ACHA that these spaces were not required and could be used for this development. These spaces would be covered by a planning condition which would then ensure dedicated off-street car parking for 2 spaces to support the 3-bed flat. My email of 15th September outlines what would be required. If the car parking spaces are included within the red line then a S75 may not be necessary.

In the current submission, I cannot see this dedicated courtyard car parking but only 1 space in a position off Edward Street that Roads previously would not support. Unsurprisingly, Roads are still unwilling to support this single car parking spaces on location and safety grounds and deficient by a further space.

I look forward to hearing from you at the earliest opportunity, but as the application stands it will be recommended for refusal again, on the same grounds.

Please note that if this application is withdrawn, a fresh fee will be required for a new application that needs to include 2 safe dedicated car parking spaces within the red line boundary. This may also involve a further advert fee. I welcome your comments.

Regards

Brian Close
Planning Officer
Development & Infrastructure Services,
Argyll & Bute Council.

T: 01369 708604

E: brian.close@argyll-bute.gov.uk

W: <http://www.argyll-bute.gov.uk>

Did you know that you can now apply for planning applications on-line throughout Scotland?
Visit <https://eplanning.scotland.gov.uk/WAM/> for further information.

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

Date: 14th January 2011

Our Ref: 10/01623/PP
Contact: Brian Close; Direct Line: (01369) 708604

Taylor Haggarty Design
1A Mearns Street
Greenock PA15 4PP

Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 10/01623/PP; DEMOLITION OF EXTENSION AND
ALTERATIONS TO HALL TO CREATE FLAT ON UPPER LEVEL WITH CAR PARKING
AND EXTERNAL ALTERATIONS; DOJO, 140 EDWARD STREET, DUNOON, ARGYLL.**

With reference to your letter dated 10th January 2011, the following comments are made without prejudice which I trust will offer an explanation as to why the department cannot support the application above.

Following the submission of revised drawings on 10th December 2010, these were subsequently superseded by a further set of drawings accompanying your letter dated 12th December 2010. The second set of revised drawings were submitted in response to my requests (email dated 8th December 2010, letter dated 11th November 2010 and email dated 26th October 2010) for the required off-street car parking spaces to be included within the application red line boundary.

Notwithstanding that the revised red line boundary now includes two off-street car parking spaces, it was originally envisaged that these changes could be incorporated within the current scheme. However, the inclusion of the car parking spaces, and on land outwith the applicant's control, is considered to be '*material*' in nature and as such, will require to be the subject of a fresh application with fresh planning fee and advertisement fee.

A revised application should also include confirmation by Ownership Certification that the applicant does not own or control all of the application site edged red but has notified all other owner(s). The letter from ACHA dated 1st November 2010 merely confirms 'no objection' to the use of their car parking spaces but for the purposes of a revised application, these two spaces require to be dedicated and delineated for use by the occupants of the proposed flat only. A supporting letter from ACHA would also assist in this matter to help explain where the other properties park their vehicles in the rear courtyard.

Given the above, it is suggested that the application above be withdrawn and a fresh application submitted. A pre-application meeting/discussion would be beneficial prior to lodging a revised scheme. Alternatively, the application above could be determined with as submitted with an appropriate recommendation. Should you wish to further discuss these proposals, please do not hesitate to contact me at the number above (or on brian.close@argyll-bute.gov.uk).

Yours faithfully



Planning Officer
Development Management, Bute and Cowal

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Milton House, Milton Avenue, Dunoon, PA23 7DU
Tel: (01369) 708606 or 708607
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Date: 2nd February 2011

Our Ref: 10/01623/PP

Contact: Brian Close; Direct Line: (01369) 708604

Taylor Haggarty Design
1A Mearns Street
Greenock PA15 4PP

Dear Sirs,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED);
PLANNING APPLICATION REF. 10/01623/PP; DEMOLITION OF EXTENSION AND
ALTERATIONS TO HALL TO CREATE FLAT ON UPPER LEVEL WITH CAR PARKING AND
EXTERNAL ALTERATIONS; DOJO, 140 EDWARD STREET, DUNOON, ARGYLL.**

With reference to your letter dated 25th January 2011, there appears to be some misunderstanding as to the set of submitted drawings to be determined.

The originally submitted drawings (894.01 and 894.02 dated 22nd September 2010) indicated the red line boundary around the building only with the provision of one off-street car parking space adjacent to the entrance to the hall.

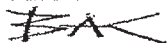
As Roads objected to this proposal due to lack of car parking and an unsafe parking space, revised drawings were submitted on 21st December 2010 (ref. 893/894.CPA and 894.02 Rev A) that omitted the single car parking off Edward Street but still included the red line boundary around the building only. Whilst four car parking spaces were shown outside the red line boundary, these could not be included or tied to the development.

A further revised site layout drawing (ref. 893/894.CPA) was submitted on 29th December 2010 which extended the original red line boundary to incorporate two of the four car parking spaces in the parking court to the rear. Altering the red line boundary was considered to be 'material' in nature and would require the submission of a fresh application to be assessed on its individual merits. Please note that we now have two different proposals on drawings both numbered 893/894.CPA.

The department can determine the application as originally submitted (i.e. and including 'non-material' revisions accepted under drawings ref. 893/894.CPA and 894.02 Rev A submitted on 21st December 2010) but cannot consider the revised proposals submitted on 29th December 2010 as these would require to be the subject of a fresh application that would be considered on its individual merits. Please confirm by no later than 9th February whether your client wishes this application to be determined as explained above or withdrawn.

Should you wish to further discuss these proposals, please do not hesitate to contact me at the number above (or on brian.close@argyll-bute.gov.uk).

Yours faithfully



Planning Officer
Development Management
Bute and Cowal

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