

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the QUEENS HALL, DUNOON  
on WEDNESDAY, 9 NOVEMBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

Councillor Rory Colville	Councillor Neil Mackay
Councillor Gordon Chalmers	Councillor Donald MacMillan
Councillor Robin Currie	Councillor Roderick McCuish
Councillor Vivien Dance	Councillor Alex McNaughton
Councillor Mary-Jean Devon	Councillor James McQueen
Councillor Bruce Marshall	Councillor Al Reay

**Attending:** Charles Reppke, Head of Governance and Law  
Fraser Littlejohn, Montagu Evans, Applicant's Agent  
Fergus Adams, Dougal Baillie Associates, on behalf of Applicant  
Andrew Carrie, Dougal Baillie Associates, on behalf of Applicant  
Gregor Muirhead, SLR, on behalf of Applicant  
Andrew Kennedy, Kennedy and Co, on behalf of Applicant  
Ann Convery, PR Consultant, on behalf of Applicant  
Ross McLaughlin, Development Manager  
Brian Close, Planning Officer  
Mark Lodge, Senior Forward Planning Officer  
Grant Whyte, Technical Officer (Flooding Alleviation)  
Bill Weston, Traffic and Development Manager  
George Johnstone, Objector  
Bruce Weir, Director of CWP, Objector  
Alex Mitchell, James Barr Planning, on behalf of CWP  
Michael Stewart, Kaya Consulting, on behalf of CWP  
Bob Fisher, Colliers International, on behalf of CWP  
Dawn Miller, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors David Kinniburgh and Alister MacAlister.

**2. DECLARATIONS OF INTEREST**

Councillor James McQueen declared a financial interest in the planning application dealt with at item 3 of this Minute as he is a shareholder and retired employee of Scottish Gas.

Councillor Bruce Marshall declared a non financial interest in the planning application dealt with at item 3 of this Minute as he has previously made his feelings know on a related planning application.

Councillor McQueen left the room and took no part in the discussion of this planning application.

**3. PAN 41 HEARING: NATIONAL GRID PROPERTY: SITE FOR THE ERECTION OF RETAIL STORE (CLASS 1) WITH ASSOCIATED DEVELOPMENT INCLUDING ACCESS, CAR PARKING AND LANDSCAPING: LAND AT FORMER GASWORKS, ARGYLL STREET/HAMILTON STREET, DUNOON (REF: 11/00689/PPP)**

The Chair welcomed everyone to the meeting and introductions were made.

Mr Charles Reppke, Head of Governance and Law outlined the hearing procedure and invited anyone who wished to speak at the meeting to identify themselves. It was noted that there were no Supporters or Statutory Consultees wishing to speak.

Members queried the late supplementary report issued by Planning Officers and expressed their concerns about receiving it so late. Mr Ross McLaughlin, Development Manager, explained the reasons for this, advising that the submission of a recent application made by Morrison's had only been received on Friday and, as this may have a bearing on the proposal from National Grid, Officers needed time to review the submission and draw up a report for Members.

The Chair ruled and the Committee agreed to adjourn the Hearing at 10.15 am to allow Members the opportunity to read the tabled supplementary report number 2.

The Hearing reconvened at 10.30 am and the Chair invited the Planning Department to set out their recommendations.

### **PLANNING AUTHORITY**

Mr McLaughlin spoke to the terms of his report and referred to supplementary planning report number 2 which had been tabled at the meeting. This report referred to a late letter of objection, suggested amended conditions, confirmed submission of a marginally altered layout plan following a pre hearing meeting and updated the Committee on the submission of a recent application made by Morrison's that may have a bearing on the proposal.

Mr McLaughlin advised that the Committee were being asked to consider an application for development of a site which lies within the 'Main Town' settlement of Dunoon and within the 'Edge of Town Centre' zone as defined in the 'Argyll and Bute Local Plan', August 2009. The application site also lies within Area for Action AFA 2/2 as identified in the 'Argyll and Bute Local Plan'. While this 'brownfield' site lies outwith the identified Dunoon Town Centre which is identified as the preferred location for new retail investment, it is located within the defined 'Edge of Town Centre' zone, which, in the absence of suitable town centre sites, it is the next sequentially preferred location for retail development. He referred to various slides showing the layout of the site, the Milton Burn, residential properties and the Council depot. He made reference to the earlier site visit and showed photographs of the site indicating the proposed location of traffic lights at the Hamilton Street/Argyll Street junction, the existing access to the site, the proposed new access to the site, and the vacant 'brownfield' site with limited vegetation and interest on it. He advised that the application was for planning permission in principle but that a degree of detail had been supplied by

the Applicant. He referred to the site plan and highlighted the proposed access to the site, car parking area, landscaping, service lay-by and bus lay-by. He referred to the gross floor area of the proposed food store being 3,200 m sq. He referred to there being no objections being raised by statutory consultees and that any issues of concern were being addressed through planning conditions. He advised that 1 letter of support had been received along with 73 objections. He advised that the substantial majority of objection was from CWP. He advised that no traders within Dunoon had submitted a unified objection to the proposal. He referred to the table contained within supplementary planning report no 2 and advised that the convenience impact on town centre for National Grid should read 15.2% and not 20.5%. He advised that in principle National Grid have confirmed that they shall provide planning gain for the town centre but that a figure had still to be agreed. It was expected to be a least £100,000 and that this had still to be considered at a National Grid Board meeting. He advised that the sequential test favoured the National Grid site and that SEPA and Planners had no reason to refuse the application. He advised that Officers retained the position that approval of the National Grid application would promote the use of a prominent vacant 'brownfield' site within a sequentially preferable site within an 'Edge of Town Centre' location. Whilst the expected impact of trade diversion from town centre convenience and comparison outlets is estimated to be in the order of 9.5% this would be offset by its edge of centre location within walking distance of the town centre and the potential to create more linked trips. This and a developer contribution to fund improvements in the Dunoon Town Centre would mitigate any perceived impact on the existing town centre and recommended approval of the application as a 'minor departure' to development plan policy subject to the planning conditions listed in the supplementary planning report number 2 and a section 75 agreement to address an appropriate developer contribution to mitigate a potential adverse impact on Dunoon town centre.

## **APPLICANT**

Mr Fraser Littlejohn of Montagu Evans, Planning Consultants, spoke on behalf of the Applicant and introduced other consultants who would provide further information on transportation matters, flooding matters and the retail food store proposal.

Mr Littlejohn advised that his client fully supported the recommendations of the Planners and advised that all issues that have been raised have been resolved and referred to a suite of documentation that has been submitted along with the application. He advised that the Council and statutory consultees have responded favourably to the proposal and that the development was considered a 'minor departure' to part D of Policy LP RET 1 of the Argyll and Bute Local Plan. He advised that the proposal was for a modern, medium sized supermarket and that the range of food offered would be similar to that proposed by CWP and advised that the non food floor area size was the only difference in floor area size to the proposal by CWP. He made reference to the potential for linked trips into the town centre and advised that 2 out of 4 major supermarkets had expressed an interest in the site. He advised that operators have noted that this is the preferred site and that the application was recommended for approval and that he did not agree with the CWP argument that the National Grid proposal was not suitable in terms of its size, the location, car parking available and the absence of a petrol filling station. He advised that the potential impact on the

residential amenity in respect of services and lighting would be addressed by planning conditions. He advised that there was a need for a modern retail store in Dunoon and that it would not impact on the retailers currently in Dunoon and that the site was suitable for development of a supermarket and listed the following benefits of the proposal: - the potential for 250 – 300 sustainable jobs; improved retail offering in the town; improvement of a vacant site to the benefit of homeowners in the vicinity; the potential for the community to benefit from planning obligations; the retention of both independently and locally operated fuel service stations; improving opportunities to combine shopping trips to town centre businesses; the provision of additional car parking facilities; and improved management and pedestrian/crossing options at a busy junction and bus access. He advised that the development would complement and enhance the town centre and asked Members to support the Planner's recommendation.

Mr Andrew Carrie of Dougal Baillie Associates referred to Transportation matters stating that the national standards laid down by Scottish Planning Policy were Maximum standards and that Argyll and Bute Council's standards set out in the Local Plan were again Maximum standards. He advised that the need for parking was taken into consideration by the Applicant with various issues looked at including walking distances to town centre, the site being well served by public transport, lower parking appropriate to encourage other transport modes in line with policy, and similar parking provisions elsewhere and advised that he felt sure that the Applicant has a suitably workable scheme which is supported by Council Officials. Mr Carrie also referred to the relocation of the access into the site further from the Hamilton street junction and that visibility splays were now 45 metres. He referred to the siting of a new bus lay-by at Hamilton Street and traffic signals at the Hamilton Street/Argyll Street junction which will improve road safety and minimise traffic delays.

Mr Gregor Muirhead of SLR referred to Flooding and Drainage matters and advised that no objections had been raised by Planners or SEPA. He referred to both the 2003 Carl Bro (CB) report commissioned by the Council and the 2011 Dougal Baillie Associates (DBA) report commissioned by National Grid and advised that these flood risk assessments outlined separate solutions which mitigate flooding at the site without increasing the risk of flooding elsewhere. He referred to objectors concerns regarding the difference between the two flood risk assessments and with the use of maps showed the pre development flood mapping in respect of both assessments and the post development flood mapping in respect of both assessments. He advised that there were 2 options for flood risk mitigation either of which would meet the requirements of Planning Policy and were supported by Planners and SEPA and the details of this would be dealt with by condition 14 detailed in the Planner's report. Finally, Mr Muirhead referred to surface water drainage and advised that the sustainable drainage system proposed was in line with current best practice and a requirement of Argyll and Bute Council, Scottish Water and SEPA. He also advised that SUDS measures would ensure no decrease in Milton Burn water quality and offer the potential to reduce downstream flood risk.

Prior to hearing from Objectors Mr Reppke asked Mr McLaughlin to clarify the error in supplementary planning report number 2 regarding the convenience impact on Town Centres. Mr McLaughlin confirmed that for National Grid this was 20.5% and for CWP this was 15.2%, and apologised for his earlier comments correcting his report during his presentation. Mr Littlejohn indicated

that he had nothing to add to his presentation following this clarification.

## **OBJECTORS**

Mr George Johnstone advised that he spoke on behalf of his family, who own the field behind Walker's Garage, which forms part of the application site for the original CWP supermarket proposal and that he objected to this second application. He referred to speaking at the previous Hearing and that his principal aim today was to remind Members of the points he made at that time. He advised that he was slightly confused by all the events that have taken place during the past 7 months and that he distinctly remembered the Chair's instructions to Members on 8 April 2011 that the purpose of that meeting was to determine the specific CWP application and that they should not be distracted by the possibilities of any other applications. He advised that he left the meeting with the impression that the CWP application had received majority approval but there was a legal technicality to be researched to enable a suitably worded amendment which was necessary because the decision had effectively gone against the Planning Officer's recommendations. He advised that clearly all of the people who echoed his support for the CWP application would be disappointed by subsequent events not least the coincidence of Morrison's announcing their intention to build an extension as reported in the Dunoon Observer. He advised that, as stated in his letter of objection, he and his family found it morally offensive that National Grid were attempting to steal the commercial research and concept of CWP and that Planners appeared to be bending over backwards to allow this to happen, effectively giving this application priority and preferential status. He referred to the Gas Works site lying empty for 15 years and if National Grid have not stolen CWP's idea asked why they haven't sought planning permission until after the hearing on 8 April 2011 and on the back of research work carried out at CWP's expense. He advised that it was his view that the old gas works simply did not pass the sequential test. It doesn't provide sufficient space to accommodate the size and character of the supermarket as proposed by CWP and as deemed appropriate from their research. Nor can it accommodate a petrol filling station, a key element to reducing the pricing disadvantage faced by our townfolk. He referred to the National Grid application not being submitted until four weeks after the previous Hearing and couldn't understand why it should be allowed to reverse the will of Councillors as expressed in the vote on 8 April 2011. Mr Johnstone further elaborated on why his family hoped elected Members would uphold the original vote. As owners of Dunloskin Farm, he referred to a vested interest in not only this but another planning application (Ref 07/01904/DET) submitted by Kier Homes to build houses on that part of the farm which represented PDA 2/5 on the Council's Local Plan. He advised that the Kier housing application was submitted in 2007 but it was not until June of this year after the Hearing on 8 April 2011 that their application finally received approval with a Section 75 condition relating to affordable housing. Permission was granted under delegated powers after four years without the need to go to Committee. He advised that when the concept of building a new supermarket in Dunoon was first mooted by CWP in 2009 and after they had rejected the old gas works site as unsuitable, he and his late brother met with representatives of CWP and Kier. Whereas the ongoing delay in receiving planning consent had seen a national downturn in housing building, Kier were none the less happy to stick with their application. The prospect of a mixed development with the supermarket was attractive to Kier as it would offer lower development costs

through the provision of bridge access over the Milton Burn and other major services to the site. Also the arrival of a new supermarket should surely boost the local economy and prove an attraction to potential house buyers being within walking distance for some of their shopping. He advised that Kier Homes wrote to the Planners in support of the CWP application. He suggested that both these developments would undoubtedly boost the local economy and provide much needed work for local tradesmen. He advised that he was not here to speak for Kier but believed that there was a greater certainty of the houses, which would include 25% affordable housing, being delivered in conjunction with the CWP supermarket because that development would offer Kier Homes low cost road access and major services. He advised that for 15 years National Grid have done little or nothing to stimulate the Cowal economy and that they haven't sought planning permission for anything that he was aware of. He advised that CWP by comparison, like Kier homes, have put their time and a substantial amount of money into their planning proposals and asked Members to think which plan best serves the community.

Mr Bruce Weir, Director of CWP, spoke to CWP's objection and advised that they did not object to a food store in Dunoon but did object to a food store being located on this site. He advised that there were four different aspects to their objection and that this was in relation to flooding issues, retail planning issues, parking and transport issues and operators requirements and advised that experts in each of these fields would speak in turn on these.

Dr Michael Stewart of Kaya Consulting referred to the flooding issues advising that part of the site was at risk of flooding from Milton Burn for 1 in 200 year flood event and that the area of site at risk of flooding was not protected by the Milton Burn Flood Prevention Scheme. He referred to the Carl Bro report and the Milton Burn Flood Prevention scheme undertaken for Argyll and Bute Council and the Dougal Baillie Associates report undertaken for National Grid. He advised that at the down stream end of the site the Carl Bro model predicts flood levels of around 0.5m higher than the Dougal Baillie model. He advised that Kaya Consulting had developed its own model and the results of this were consistent with the Carl Bro flood levels. He advised that there were uncertainties and a need for a more detailed site specific modelling study that includes downstream effects. He advised that at present the proposed flood management measures for the National Grid site were based on (lower) Dougal Baillie flood levels and that at the detailed design stage the Council require flood management measures to be developed based on the Carl Bro flood levels and that SEPA require flood management measures to be developed (compensatory storage) for 200 year flow + 50% bridge blockage and that the Council require the blockage scenario to use Carl Bro levels. He advised that when the Carl Bro levels and bridge blockage scenarios are used at the detailed design stage there is unlikely to be sufficient space on site to provide effective flood management measures and that there was unlikely to be safe site access during flooding. He advised that Scottish Planning Policy normally does not permit development on the functional floodplain of a water course but in some cases raising of a floodplain is allowed as long as compensatory flood storage is provided and that there has to be like for like replacement with storage provided at the same level as land that is lost. In practice, to satisfy requirement for like for like storage, the footprint of compensatory storage area is often larger than the floodplain area lost to development. With the use of slides he showed the current flood management proposals compared to the Carl Bro levels. He advised that

storage may be available for the lower Douglas Baillie flood levels but that space would be tight and with the Carl Bro levels compensatory storage will not be able to be provided for this scale of development for scenarios that need to be considered at the detailed design stage. He also raised the issue of access to the site during flooding for emergency vehicles and the evacuation of staff and customers. He raised the issue of the impact of development on flow pathways advising that development would create pinch point with risk of increase in upstream flood levels. To summarise he advised that there were contradictory flood level predictions for the site; at the detailed design stage the Council and SEPA have set conditions that require the developer to consider higher flood levels than have been used in the current site design; at the detailed design stage CWP believe it will be impossible to provide the required sustainable flood management measures for a development of this size; no safe dry access to site during flooding appears to be available; information and modelling to date is not sufficient to make an informed decision about this site; that there was numerous flood related issues at the site which should have been addressed already; issues should not be passed to detailed design stage; flood risk within Dunoon is well known; the development needs to consider in detail whether there is a risk of increasing downstream flood risk to others; current proposals suggest flooding risk downstream will be increased and that this will reduce the benefits provided by the Council Flood Prevention Scheme.

Mr Alex Mitchell of James Barr Planning referred to CWP's case on retail planning, parking and transport issues. He advised that Dunoon could accommodate a third food store and referred to a 33% loss of money out of the area to Inverclyde and beyond in respect of expenditure on food and 48% loss of money out of the area in respect of expenditure on non food items and that this was a key target of CWP. He advised that the town needed the largest store possible whilst being sympathetic to town centre shops. He advised that the National Grid proposal did not strike this balance or make the best offer. He advised that what was required was a medium size store with ample car parking, reasonable floor space for comparable shopping and a petrol outlet. In terms of car parking, he compared the existing Morrison's food store to that of the proposed National Grid store and the proposed CWP store. He also referred to the difference of convenience and comparison impacts in respect of the National Grid and CWP proposals. He advised that the National Grid proposal had a higher impact on the town centre (9.5%) with less claw back of leakages compared to the CWP proposal which had a lower impact on the town centre (7.9%) and a larger claw back of leakages. He referred to the compensatory flood storage required which would impact on the size of the store making it even less than what was currently proposed. He referred to both proposals offering planning gain to mitigate impact on the town centre. He referred to the concept of linked trips advising that to achieve this it was necessary to claw back leaked expenditure. He advised that the store that clawed back most expenditure had the most ability to encourage linked trips. He advised that the National Grid location was not right for a food store and that Dunoon did not need another small store. He advised that the ability to claw back leaked expenditure out of the area was a key consideration.

Mr Bob Fisher of Colliers International spoke on Operators requirements and referred to CWP's approach to site selection. He advised that it was not an option to progress with a store that was too small to attract major retailers. He advised that the National Grid site was less than ½ the size of the CWP site. He

advised that operators want 40,000 sq ft of floor space, five – six car parking spaces per 1,000 sq ft and inclusion of a petrol filling station. He advised that the National Grid proposal was 34,700 sq feet with 125 car parking spaces and no petrol filling station which does not satisfy Operators requirements. He advised that CWP offered the only viable alternative and if the CWP proposal was rejected major retailers would go elsewhere which would be a loss to Dunoon. He asked Members to reject the National Grid application and commend the CWP solution to Dunoon.

Mr Weir summarised the comments by his colleagues and urged the Council to see through National Grid's attempts to derail CWP plans and reject the application.

Mrs Dawn Miller advised that she was a mum of two from Dunoon, that she had a business in Dunoon and was a shopper in the town trying to cater for a family of four. She advised that she was here to speak on behalf of very many people and to try and tell everything her friends and customers tell her and to tell Members what Dunoon shoppers really want and need and just importantly what the really don't want. She advised that she personally shopped in Dunoon town centre and went to the Co-op and Morrison's on a daily basis for top up shopping as she still preferred to go up to Asda in Govan for a better choice and price. She advised that it was still cheaper to do this, even with the ferry fare and petrol and that she had even started travelling by road round to Dumbarton as it still worked out cheaper and that there was by far a better choice and variety in larger stores and that she was a very typical shopper that these supermarkets were aiming at. She advised that Dunoon did not need a smaller basket store supermarket despite everything that's been heard from National Grid and advised that she has been to a few meetings listening and hoping it would change her opinion. She advised that the gas works site cannot give us the right supermarket with the choice and variety to stop her and many others heading for Govan or Dumbarton. She queried how a car park the same size as Morrison's could cater for a store twice the size. She also advised that she was struggling to understand how the extra traffic flow around the National Grid site will cope as it has been horrendous lately with the road works and to add in the supermarket traffic as well, where are they all to go? She advised that she has objected to the National Grid proposals from day one as she does not believe it will happen. Tesco were supposed to have been interested 10 years ago and nothing came of that. She advised that what Dunoon shoppers really want is a proper supermarket that does not sell out of weekly specials and has more than 3 people on the checkouts at busy times and at lunch times. She advised that is why she and many others have supported the CWP plans since 2009 and she honestly believed that they can deliver their promises to bring competition, choice and lower prices including fuel to Dunoon. She asked Members to say no to National Grid and fully support the CWP proposal.

## **MEMBERS' QUESTIONS**

Councillor McCuish referred to objections about the site being too small and asked the Applicant if they had a retailer ready to go on site and if so when they would start. Mr Weir advised that detailed discussions had taken place with two out of four major supermarkets. Mr Andrew Kennedy of Kennedy and Co advised that the steer from these discussions was that a store of this size was probably acceptable to them and that a petrol filling station was not required. Mr

Kennedy advised that the site was in a central and prominent location and confirmed that two out of four major supermarkets plus an existing Operator had expressed an interest and that they were awaiting the outcome of the Planning Hearing and were keen to meet next week to progress matters.

Councillor McCuish referred to SEPA's comments about the neutral effect of flood risk and asked Mr McLaughlin what this neutral effect would be. Mr McLaughlin confirmed that a neutral effect would mean no further increase in flooding, that it would not be made any worse.

Councillor Devon referred to the 28 planning conditions and a 'minor departure' and asked Mr McLaughlin if this was not unusually high. Mr McLaughlin advised that they always try to minimise conditions but with larger applications there were always technical issues that needed to be resolved.

Councillor Devon referred to the four conditions regarding contamination and asked why these were necessary. Mr McLaughlin advised that Environmental Health put these conditions on to ensure tests are undertaken.

Councillor McNaughton sought and received clarification on the flooding issue from Dr Stewart and referred to the Flood Prevention Scheme at John Street. Mr Grant Whyte advised that the Carl Bro flooding report was used as this presented the worst case scenario.

Councillor Reay asked if there was a flooding history on the site. Mr Whyte advised that the Carl Bro report detailed what should be done to alleviate flooding which was being put in place at the moment at John Street.

Councillor Reay asked if the training wall was one condition to alleviate flooding and Mr Whyte confirmed that this was a recommendation of Carl Bro.

Councillor Reay referred to the sewage pipe problem. Mr Whyte confirmed that the Council would work with the developer to alleviate flooding issues.

Councillor Reay asked the Applicant to confirm why they did not include a fuel outlet in their application and also referred to car park and floor space ratio. Mr Littlejohn referred to discussions with retail operators who did not request a petrol filling station. Mr Carrie advised that the proposal lies in middle of range and referred to the car parking at Morrison's and that not everyone parking there were using the Morrison's store. Ms Ann Convery, PR Consultant, advised that one of National Grid's key points was what the impact of what they sold would be on the local community and that there were already two businesses nearby selling fuel and that they would not want to put them out of business.

Councillor Colville referred to the three changes that had been made to condition 14. He also referred to the request that a detailed scheme should investigate fully the responsibility of riparian owners to maintain the adjacent watercourse to reduce possibilities of culvert blockage at Argyll Street and access to the watercourse to allow the Council to carry out its duties under the Flood Risk Management Act 2009 and asked for assurance on this. Mr McLaughlin advised they had still to receive this information.

Councillor Colville asked how Members could determine the application without

the information that had been asked for. Mr Whyte advised that this information was required at the detailed design stage.

Councillor Colville referred to condition 14 detailed in supplementary planning report number 2 and also to Dr Stewart's presentation regarding the pinching of the water flow through the site with a supermarket on it. Mr Whyte referred to the recommendations of the Carl Bro report and the different options to carry out flood mitigation measures. Mr McLaughlin advised that the pinch point would be looked at during the detailed design stage.

Dr Stewart advised that the extent the of training wall had not been looked at and had not been considered by SEPA. The Carl Bro study had a wall with no compensatory flood storage. Any land raising has to have flood storage and he couldn't see how planning conditions could be met. He advised that SEPA will require flood storage.

Councillor Colville asked who was responsible for stopping the culvert blockage at Argyll Street. Mr Whyte confirmed that it was the Council's responsibility under the Flood Risk Management Act 2009.

Councillor Colville asked the Applicant to confirm if they owned both sides of the bridge wall at the application site. Mr Littlejohn replied no and that they supported Council view that they (the Council) would be responsible.

Councillor Chalmers referred to trading loss and asked Mr Mitchell how he measured this and where he thought leaks would come back into Dunoon. Mr Mitchell advised their sources were two fold. Information questionnaires distributed at a public consultation event which indicated 20 – 25% shopped elsewhere and data shopping survey information which indicated £11m was spent outwith the catchment area to Inverclyde, Dumbarton and Braehead. He advised that the Applicant referred to national average figures. He advised that to try and claw back money into the area you needed a store as large as possible whilst being sympathetic to local retailers. He advised that retailers have their own view about car parking and that car parking was key to attracting shoppers and that National Grid were under providing in CWP's view.

Councillor Chalmers asked what the catchment area was for a retail proposal and Mr Mitchell replied the Cowal peninsula.

Mr Littlejohn referred to the catchment detail in the CWP proposal and spoke about leakage out of Cowal. He advised that this leakage will continue even if a new medium size store is provided. He advised that the store needs to be located in the right place and that the site should be as close as possible to the town centre. He advised that National Grid had a smaller amount of floor space and that this was more agreeable to retailers in the town centre and that no objections had been made by the retailers or the Co-op.

Councillor Mackay referred to Dr Stewart's presentation on possible flooding at access to site and asked Planning if they agreed with this assessment. Mr Whyte advised that Hamilton Street floods when the bridge is blocked. Alleviating this by providing adequate flood routes including the access will be considered at the detail design stage(see condition 17) and will involve cooperation between National Grid and the Council. The Council has

responsibility in this matter as it is a council bridge and we also have duties under the Flood Risk Management Act. The flood was not deemed high enough to recommend refusal of the application as there are relief options available.

Councillor Mackay referred to a flooding solution being required and asked why a detailed flooding solution was not available at this time. Mr Whyte advised that flooding at Hamilton Street was an ongoing problem and would be looked at during the detailed design stage.

Councillor Mackay asked the Applicant why a detailed flooding solution was not available at this time. Mr Littlejohn confirmed that flood risk had been looked at in considerable detail with the Council and SEPA and that they have come up with a proposal that is acceptable to the Council officials and SEPA. Mr Muirhead confirmed that a significant amount of work has been undertaken to date and that flooding compensatory storage will be provided and believes conditions will be satisfied at the detailed design stage.

Councillor Mackay referred to the 'minor departure' of LP RET 1 Section D and also referred to the proposed extension to the Morrison's store and asked how this extension would affect this application. Mr McLaughlin advised that Dunoon would still be able to accommodate a medium sized supermarket even if the Morrison's extension is approved.

Councillor Mackay referred to the major difference in planning gain offered by CWP compared to National Grid and asked Mr McLaughlin how this was gauged. Mr McLaughlin advised that discussions had been limited regarding the issue of planning gain with National Grid and confirmed that a decision on this required Board approval and that this was a more suitable question for the Applicant. He advised that no less than £100,000 would take cognisance of the location of site at edge of town centre along with potential for linked trips and site being sequentially preferable. He advised that £276,000 offered by CWP was generous and had been put on the table without any negotiations with Officers.

Councillor Mackay repeated his question to the Applicant. Mr Littlejohn confirmed he could not give an exact figure but expected it would be in the region of £100,000 and that this still required Board approval and would be negotiated with the Council and that the Section 75 legal agreement would include a planning gain figure.

Councillor Dance referred to housing development and asked Mr McLaughlin to clarify where in the main Planning report the 74 housings units linked to CWP were. She also referred to public credibility about lines on maps. She also asked if Mr McLaughlin was aware of any homes near the CWP site or near to the National Grid site.

Mr McLaughlin advised that new homes were not referred to in the National Grid application. He referred to the proposal by Kier Homes which pre dated the submission of the CWP application. The CWP site was part of PDA. The CWP application was not intrinsically linked to Kier homes but shared boundary on site. Mr McLaughlin advised he did not know how many homes were in the area and referred to the aerial view photograph in his presentation slides pointing out the brownfield and part Greenfield nature of the National Grid and CWP sites respectively. He advised that there was a need to take cognisance of the Local

Plan and the 'Town Centre', 'Edge of Town Centre' and 'Out of Town Centre' areas.

The Chair ruled and the Committee agreed to adjourn at 1 pm for lunch.

The Hearing reconvened at 1.45 pm.

Councillor Dance referred to the salient points brought up by Mrs Miller and that people seemed to say they want a petrol station and to Mr McLaughlin's take that this was not a major issue and asked him to comment. Mr McLaughlin referred to there being a petrol station at the Walker's Garden centre and that petrol station applications rarely came forward in isolation. He advised that he was not looking to deter applications for petrol filling stations and that this application does not have this proposal.

Councillor Dance referred to flooding, long term plans and Council involvement and asked if this would involved capital expenditure and if this had been allocated or determined and would this be the case for CWP. Mr Whyte referred to the Carl Bro report commissioned by the Council which identified various locations where work was required. He advised that the Hamilton street works would be added to Capital list proposals but he was not sure where on the list this would feature and that funding would require to be identified.

Councillor Dance asked did this mean a plan was in place with no resource allocated to carry out the plan and Mr Whyte replied yes. He advised that the Council have a duty to inspect, assess and carry out a maintenance schedule and if riparian owners don't do anything the Council would do it provided funds were available. He advised that he had no knowledge of the CWP site as this was before his time with the Council.

Mr Weir advised that a flood risk assessment was undertaken through planning application and that nothing on their site was a possible flood risk.

Councillor Dance asked how £100,000 would be used to mitigate impact on the town centre. Mr McLaughlin advised that this would be used for schemes to improve vitality and vibrancy of the town centre such as the CHORD improvements and public realm projects to increase draw to area and the view of shoppers who chose to shop in the town centre.

Councillor Dance referred to comments about the Applicant pinching CWP's idea and scuppering their development. She asked if the National Grid development could not go ahead because of the flooding issue Dunoon was in danger of securing nothing and all National Grid will have succeeded in doing is scuppering the CWP application. Mr Littlejohn confirmed that it was not National Grid's intention to scupper Dunoon and prevent a food store. He advised that National Grid have a workable solution to provide a food store and all issues raised have been addressed. He advised he was extremely confident a food store can be delivered on the site and that two retailers were keen to come to Dunoon.

Councillor Currie advised that he was disappointed with the National Grid application. He thought it was premature and had no questions at this time.

Councillor Devon referred to the difference between the Carl Bro and Dougal Baillie Associates model and sought clarification that she was right to think that we go with higher readings until proven otherwise. Mr Whyte confirmed this to be the case.

Councillor McCuish referred to DTZ comments in the planning report about National Grid and their agents receiving notes of interest from a number of retailers, developers and property companies including CWP over a number of years and asked why National Grid's application had not been brought forward before now. Mr Littlejohn advised that it takes a period of time for a site to come on the market and that National Grid receive expressions of interest on a daily basis and that National Grid only consider sites once they are available for market. He referred to the site being vacant for 15 years and that during that time the site was cleared, infrastructure came down and the site was remediated.

Councillor Colville asked if riparian owners would have an opportunity to comment at the detailed design stage on what the Council would do in carrying out its duties in this respect under the Flood Risk Management Act 2009. Mr McLaughlin advised that this application was for planning permission in principle and that the detail would be provided at the detailed design stage and would form part of a planning application which the public could comment on.

Councillor Mackay referred to Councillor McCuish's comment about DTZ support for the application and their comment that CWP had shown interest in the National Grid site and asked if this would be a suitable site to rebuild the Walker's Garden Centre. Mr Weir advised that his position was not that the National Grid site could not be developed but that it could not accommodate a store of the required size.

## **SUMMING UP**

### **Planning Authority**

Mr McLaughlin advised that this application was for a medium sized supermarket on a 'brownfield' site on the 'Edge of Town Centre' which hoped to claw back 50% of local expenditure. The assessment will be predicated with what Operator comes to the table. He referred to hearing about parking and flooding issues from technical officers and confirmed that SEPA were happy with the proposal. He referred to the 9.5% impact being offset by linked trips and planning gain and confirmed that this was an application that can be supported by Planning subject to the conditions detailed in supplementary planning report number 2.

### **Applicant**

Mr Littlejohn advised that he had heard a lot from Objectors who had a clear competing interest in their proposal. He advised that the Montagu Evans team have also had experience of work with CWP. He advised that the issues raised were not new and that they have worked with the Council to resolve these and that they have worked with the Council to find suitable solutions re flooding, transport and retail matters. He referred to the application being for planning permission in principle and that some matters have already been looked at in detail. He referred to the support they have from Council Officers and Statutory

Consultees and that the application supports Planning Policy locally and nationally. He advised that Members can be satisfied that all issues raised have been addressed. He advised that the difference between the two proposals amounted to floor space, a petrol filling station and car parking and that this was not as significant as was being suggested and that the view of Consultees needed to be given credence. He advised that only National Grid can deliver the need for a bigger store in Dunoon. He confirmed that there was strong retail interest in the site and meetings with interest parties could take place in the next week so would see development of the site fairly quickly. He referred to car parking and to the incorporation of bus lay-by to enhance links to the site. He referred to the flood risk and that this issue has been looked at in detail and that Council Officials and SEPA have raised no objection. He referred to the Section 75 agreement which will be drawn up in respect of planning gain and asked Members to support this proposal, as it was sequentially preferable.

### **Objectors**

Mr Johnstone advised that he had nothing further to add.

Mr Weir referred to the flooding issue and that they were not raising concerns about the Dougal Baillie report just that things had moved on since then and that the Carl Bro report should be referred to and that Members did not have anything based on the Carl Bro report in front of them. He advised that if Members accept that this information is not in front of them how can they know how much the site will flood and so how can a food store, car park etc be put on this site. He referred to car parking numbers and that link trips seemed to be key to this application. He advised that the proposal was 100 car parking spaces short and asked how shoppers would be able to park at food store and then walk to town if there was not enough car parking spaces. He referred to Operator interest and that Sainsbury's and Tesco were the two interested parties in Dunoon. He advised that the clear line from Tesco was they wished to wait and see if an application was granted before going forward and that the CWP proposal is what they are looking for. He advised that they had received misinformation from National Grid regarding Sainsbury's. He confirmed that Sainsbury's were not going forward with the National Grid proposal (he referred to a Sainsbury's agent being on the CWP team). He referred to the reason National Grid gave for not having a petrol filling station on site and advised that the real reason was they did not have the space to accommodate a petrol filling station and it had nothing to do with the impact on other retailers. He referred to CWP's 1,300 letters of support for their application and that they had seen no support for the National Grid proposal. He referred to the planning gain figure still to be determined. He advised that it seemed to him the Council were being asked to approve a compromised site with greater impact on the town centre because it was 400 metres closer to the town centre and urged Members to refuse the application.

Mrs Miller advised she had nothing further to say.

The Chair asked all parties to confirm if they had received a fair hearing and they all replied that they had.

### **DEBATE**

Councillor Mackay advised that he had heard a lot today and had been confused. He referred to a planning application considered 2.5 years ago for 6 caravans which required a full flood risk assessment to be undertaken and he failed to understand why Members did not have a full flood risk assessment before them today. He was worried about the proposal going ahead due to flooding and felt that the application was premature with too many assumptions. He advised there was a need to continue consideration of this proposal until a full flood risk assessment was received.

Councillor McCuish congratulated the Planning department in trying to get this off their books and despite 28 conditions and a 'minor departure'. He advised that flooding and parking issues had not been addressed. He referred to supplementary planning report number 2 and advised that the Morrison's proposal for an extension to their current store in Dunoon could have an effect on this application. He advised that he was grateful to the experts for giving their opinions today but the best submission came from Dawn Miller, a young mother shopping and living locally. He advised he could not support the planning application today.

Councillor Currie advised that he was disappointed with the planning application and that the recommendation from Planners with 28 conditions and a 'minor departure' was not on. He advised that the application was premature and needed a lot more information and agreed that this application should be continued.

Councillor Devon also referred to the 28 planning conditions, the 'minor departure' and the section 75 legal agreement. She advised there was conflicting advice about flooding and contamination.

Councillor Chalmers acknowledged that you would expect a lesser amount of detail for a planning permission in principle but that he was left with more questions than answers. He advised that the site was cramped. He referred to the pinch point and conflicting flood reports. He advised he could not support the application at this time.

Councillor Dance shared colleagues concerns about the 'minor departure' and 28 conditions. She advised that flooding was a major issue and that this was a premature application and did not believe flooding issues could be satisfied on this site by conditions 14, 16 and 17. She advised she was also not satisfied that the car parking spaces were adequate. The most salient points were from Mrs Miller and that the proposal did not meet retailers' needs. She also advised she was concerned about the condition in respect of contamination.

Councillor Colville advised that it was difficult to come to a conclusion and he was concerned that the Committee were going round in circles and referred to all the supplementary reports which had been provided for both this application and the CWP application and that there was a need to make a decision. He advised that he did not think there would be a competent motion to get around the sequential test. He referred to the flooding concern and stated that this was a planning permission in principle and that a detailed application had still to be considered.

Councillor Currie raised a Point of Order and asked if what Councillor Colville

said was correct.

Mr Reppke advised that if the Committee approved the outline application this was approving the principle of development of the site and all that would be left would be to approve detailed conditions. It would not be possible to revisit the approval of the principle at a later date.

Councillor McNaughton advised that he had worked for the Council for years at the depot across from the site and he knew that the site flooded and that there was a need to get more information on this before going forward and that he could not support the Planner's recommendation.

Councillor Reay advised he was finding this difficult. There was a competent application before them and that all conditions by and large related to flooding. He advised that the application will not meet the expectations of the public and will not achieve what they desire. He advised that there was a need for a petrol outlet for a variety of reasons and the imbalance of floor space area and car parking was significant.

Councillor MacMillan agreed with the comments made by Councillor McNaughton. There was still a lot of questions to be answered and that he could not support the application at this time.

Councillor Kelly advised that there was need to make some sort of decision and that the main issue of concern was flooding and that most Members were looking for more information before taking a decision.

### **Motion**

That the application should be continued to obtain now receipt of the flooding information referred to in proposed condition 14 as detailed below:-

Prior to the commencement of any works, full details of all flood mitigation measures shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and the Council's Flood Risk Management. The compensatory flood storage scheme shall be designed to include the 200 year plus 50% culvert blockage scenario. The detail design peak water levels shall be based on the 0.5% annual exceedence probability (AEP) event given in Carl Bro Report December 2006 and, in particular, the design shall take heed of the report's recommendations for the gas works site particularly the training wall at Hamilton Street bridge. The storage requirements for 50% culvert blockage shall also be based upon the Carl Bro report figures. All works shall be carried out in accordance with the approved scheme.

Moved by Councillor Daniel Kelly, seconded by Councillor Neil Mackay

Councillor Kelly asked if there were any amendments.

### **Amendment**

Councillor Dance advised that she was not prepared to support the Planning recommendation but that it was important to make a decision. She advised that she did not believe the proposal was a minor departure when it relied on 28

conditions. She referred to policies LP SERV7 and LP SERV8 and that conditions will not ensure requirements of these policies. She advised that the proposal did not meet local need and that 125 car parking spaces was not adequate.

It was suggested that the meeting be adjourned for 15 minutes to allow Councillor Dance to establish where or not her amendment would be competent.

Councillor Dance advised that if she did not have a seconder to her amendment there would be no point in adjourning the meeting to establish the competency of the amendment.

Councillor Chalmers confirmed that he would be happy to support an amendment.

Councillor Currie raised a Point of Order and asked was it not unusual to be postponing a meeting to consider possible conditions and was it not more common to only consider the application put forward.

Mr Reppke confirmed that the Committee were entitled to adjourn a meeting to allow for further information to be provided.

Councillor Devon asked for clarification on whether it was the Council's job to put in flood assessment.

Mr Reppke advised that the Council had obligations under the Act referred to earlier but that it was the responsibility of the Applicant to address flooding concerns within the development site.

The Chair ruled and the Committee agreed to adjourn the Hearing at 2.55 pm.

The Hearing reconvened at 3.10 pm.

Councillor Dance advised that she would not be able to go down the route of her amendment as this could lead to a legal challenge and asked that the Motion include a request that Planner's bring a report back to the PPSL Committee meeting on 23 November 2011 advising on progress with production of the information requested and the timescale for bringing this information back to the Committee for consideration.

## **Decision**

1. Agreed to continue consideration of this application in order to obtain now the information requested in proposed condition 14 detailed in the Planning Officer's supplementary planning report number 2 and as detailed below:-

Prior to the commencement of any works, full details of all flood mitigation measures shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and the Council's Flood Risk Management. The compensatory flood storage scheme shall be designed to include the 200 year plus 50% culvert blockage scenario. The detail design peak water levels shall be based on the 0.5% annual exceedence probability (AEP) event given in Carl Bro Report December 2006 and, in

particular, the design shall take heed of the report's recommendations for the gas works site particularly the training wall at Hamilton Street bridge. The storage requirements for 50% culvert blockage shall also be based upon the Carl Bro report figures. All works shall be carried out in accordance with the approved scheme.

2. Agreed that a report should be submitted to the next meeting of the PPSL Committee on 23 November 2011 advising on progress with production of the information detailed at 1 above and a timescale for when the application would be brought back to the Committee for consideration.

(Reference: Report by Head of Planning and Regulatory services dated 7 September 2011, supplementary planning report number 1 dated 20 September 2011, issued and supplementary planning report number 2 dated 8 November 2011, tabled)

Councillors McNaughton, Reay, Dance and Chalmers left the meeting. Councillor McQueen joined the meeting.

**4. CWP PROPERTY DEVELOPMENT AND INVESTMENT: ERECTION OF CLASS 1 FOODSTORE WITH ASSOCIATED DEVELOPMENT TO INCLUDE CAR PARKING, ACCESS ROAD, ROAD BRIDGE, PETROL FILLING STATION AND ENGINEERING WORKS: 361 ARGYLL STREET, DUNOON (REF: 10/00222/PPP)**

Agreed to continue consideration of this application due to the decision reached on the National Grid application and that this would be dealt with again when considering the National Grid application.

(Reference: Report by Head of Planning and Regulatory Services dated 4 March 2011, supplementary planning report 1 dated 15 March 2011, supplementary report 2 dated 30 March 2011, supplementary report 3 dated 7 April 2011, supplementary report 4 dated 9 May 2011, supplementary report 5 dated 8 September 2011, supplementary report 6 dated 19 September 2011, issued and supplementary report 7 dated 8 November 2011, tabled)