

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**  
**held in the QUEEN'S HALL, DUNOON**  
**on FRIDAY, 8 APRIL 2011**

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

Councillor Rory Colville	Councillor Neil Mackay
Councillor Robin Currie	Councillor Donald MacMillan
Councillor Mary-Jean Devon	Councillor Roderick McCuish
Councillor David Kinniburgh	Councillor James McQueen
Councillor Alister MacAlister	

**Attending:** Kenneth Macdonald, Area Manager, Customer Services  
David Eaglesham, Area Team Leader, Development Management  
Mark Lodge, Statutory Planning Officer  
Paul Farrell, Roads Engineer  
Mr Bruce Weir, CWP, Applicant  
Mr Alex Mitchell, James Barr, for Applicant  
Mrs Anne Gabriel, Dunoon Community Council, Consultee  
Mr Barr, Dunoon Community Council, Consultee  
Mr Bell, Hunter's Quay Community Council, Consultee  
Mr Paul Walker, Supporter  
Mr George Johnston, Supporter  
Mr Kenneth Adams, Supporter  
Mr Francisco Gonzales, Supporter  
Mrs Dawn Miller, Supporter  
Ms Alcott, Supporter  
Mr David Mair, Objector  
Mr Charles Black, Objector  
Ms Jennifer Harrison, Objector  
Ms Dinah McDonald, Objector  
Mr Fraser Littlejohn, Objector  
Mr Graham Laing, Objector  
Councillor Bruce Marshall, Objector  
Mr Alistair Murray, Objector  
Mr Norman Wright, Objector  
Mr Alan Livingstone, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chalmers, Dance, Marshall, McNaughton and Reay.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

The Chair welcomed everyone present to the meeting and invited the Committee to introduce themselves.

The Area Manager, Customer Services advised the Chair seven further letters of support and one letter of objection had been submitted since the agenda for this meeting had been issued. These were set out in supplementary report no.3 dated 7<sup>th</sup> April 2011. Having noted that these further letters of representation raised no new issues it was agreed to circulate the aforesaid report.

The Area Manager, Customer Services outlined the procedure that would be followed during the meeting and invited those who wished to address the Committee to identify themselves.

### **Planning Authority**

The Area Team Leader, Development Management advised that the application before the Committee was for the erection of Class 1 food store with associated development to include car parking, access road, road bridge, petrol filling station and engineering works on the existing Walkers Garden Centre and land at the rear. The application is for Planning Permission in Principle which used to be outline planning permission. Major development should explain proposals and take the views of the public, this has been done. The application has been supported by pre-application consultation report and consultation report stage II, design and access statement, planning and retail statement, transport assessment, flood risk assessment and site flooding/sustainable drainage overview study and an ecology report. There are no objections from Consultees which can't be addressed by planning conditions. There has been 915 letters of objection and 1091 letters of support of which many are standard letters. The application site lies within the Main Town settlement zone of Dunoon, as defined in the Argyll and Bute Local Plan. The application site included the eastern half of Potential Development Area 2/5 'Dunloskin' that is identified in the Local Plan for medium density housing with 25% affordability. The Area Team Leader spoke on the Retail Statement advising that the available expenditure in Dunoon catchment is £74million, the convenience expenditure is £32million and  $\frac{1}{3}$  of the locally derived expenditure is 'leaked' out with the catchment. The proposed store will have a turnover of £17.8m comprising £12.9m convenience and £4.8m comparison goods. The trade diversion to the town centre is £3.1m and if you base this on the larger store it will reduce the convenience leakage from £11m to £4m therefore if you build a bigger store it will stop people from leaving Dunoon to shop. A smaller foodstore may meet policy criteria and be sequentially preferable, the overall impact of 9.1% is considered significant and he recommends that planning permission be refused for the reasons set out in the report.

### **Applicant**

Mr Bruce Weir said CWP are a Scottish based development company

specialising in food stores for rural areas. He said they had obtained planning permission for stores in Kelso and Kirriemuir. Mr Weir advised that his company works with the 5 major supermarkets (ASDA, Morrison's, CWS, Sainsbury's and Tesco) and that 3 of these operators are under scope for a 40,000sq.ft. store with good car parking and a filling station. Mr Weir said that Dunoon has a large population, very many of whom spend their money outwith the area and it was realised that the demand and money was going to Inverclyde and beyond. Mr Weir spoke on site selection advising that they having analysed the town and the catchment area and the optimum store size had been determined to be 40-45,000sq.ft. with car park and filling station. He advised that the Walker family store will be relocated into Dunoon and that the proposed development would not adversely affect the housing development at Dunloskin Farm. He said the foodstore would be a catalyst for the housing in terms of the provision of a bridge over the Milton Burn. Mr Weir spoke on the new planning legislation advising that he had undertaken public consultation, commencing in January 2010, three months prior to the planning application being submitted, and continued until today. He had an online petition and a Facebook page along with job creations with Jobcentre plus and has over 2000 names of support. Mr Weir said he was confused over the amount of objections because at the PPSL meeting there had only been 30 objections, 95% of which object to the non-food goods that are currently sold in the high street. Mr Weir asserted that there is capacity for further non-food retail in Dunoon.

Mr Alex Mitchell said he was a planning adviser for James Barr. He advised that the Planning Service's approach to the Campbeltown supermarket development gave him some comfort, but that the same approach has not been used in respect of the Dunoon proposal. Mr Mitchell said that the key factors of the planning permission in Campbeltown are the same as Dunoon. He referred to the reasons for refusal set out in the report, saying that significant weight is given to the National Grid site, but the fact that this area exists is not enough, it has to be available. He asserted that the National Grid site is neither better nor suitable. The Retail Impact Assessment must be able to show the alternative site is able to do the same as that proposed. The National Grid site has a major flooding issue, it would only fit a 20,000sqft store and doesn't have a petrol station. Mr Mitchell said the size of the store is key, Cowal has significant leakage of £11m per annum and this size of store will arrest this leakage by clawing back £7m. Mr Mitchell said the applicant has agreed a contribution towards the CHORD project. He referred to the loss of affordable housing, advising that the applicant is happy to address the shortfall by way of commuted payment. Mr Mitchell said that all of the issues raised in the reasons for refusal could be addressed by conditions.

Mr Weir said that the main contactor for the building of the store will sub-contract to firms in the local area. He said at the moment people drive passed two supermarkets to shop over the water. Mr Weir spoke on competitive pricing advising if there was some competition the prices will fall. Mr Weir spoke on location saying there currently is a bus stop outside Walkers and the development is planning for a stop outside the store. He said the size of the store was important with 40,000sq.ft. and good car parking and filling station, and that this would not fit on the smaller National Grid site. He spoke on the issues SEPA have with the flooding at the National Grid site. Mr Weir spoke on the public consultation advising the development has significant support, saying that the traders in Kelso were 100% behind them because they felt the store

would keep people in town and he feels that the foodstore will help Dunoon town centre. Mr Weir reiterated that the leakage expenditure is significant. The housing development at Dunlosking Farm will benefit from the bridge and road infrastructure being put in place. He said that CWP are excited about delivering growth to the area and asked for the application to be approved.

## **Consultees**

The Roads Engineer advised that his Service had submitted a report to the planners setting out required design standards for this proposed development. He had nothing further to add to this report.

Mrs Gabriel, Dunoon Community Council advised that CWP had met with them at a public meeting where voting slips were circulated. The result was that the majority of those present were against the development and that Dunoon Community Council had objected to the proposal on the grounds of traffic congestion, Milton Burn flooding and light pollution.

Mr Barr, Dunoon Community Council questioned the figures quoted by the developer. He stated that an ASDA store had been opened in Girvan, ½ a mile away from the town centre and there has now been a noticeable drop in trade there. He asserted that the internet and superstores are killing the local area and that this development would not improve the town centre but destroy it.

Mr Bell, Hunter's Quay Community Council, said that his Community Council supported the development, especially since it would create jobs in Dunoon.

## **Supporters**

Mr Paul Walker gave background information into his business advising they moved to the current location in 1992 and since then they have added a café and storage facility. He advised that he did not consider his business out of town and if the application by CWP was approved his business would relocate and grow, this would safeguard 22 jobs and would also create new ones. Mr Walker said that he had provided lists of names who support the development, saying it was vital to support the economy and job creation. Mr Walker felt that the local population would support their local stores because relationships are built with their customers. Dunoon loses millions of pounds every year to shoppers going across the water. Dunoon needs to cater for the younger generation and asked for the Members to approve the application.

Mr George Johnston said he was representing his family advising that in 2005 lots of fields on his farm were classed as a Potential Development Area (PDA). Kier Homes made an application, this application is still under consideration but due to the down turn in the housing market and the expensive linkage to create these houses it would affect how much they would cost. The Developer is proposing to provide an alternative access for Kier Homes and this would provide the houses with more certainty with access to the foodstore and residential development which will ensure PDA land can assist housing in Dunoon & Cowal area. Mr Johnston said the Scottish Government are relaxing planning restraints in this economic climate to help housing development and CWP's development will assist housing development. Mr Johnston further advised that CWP have agreed to make a financial contribution towards the loss

of the affordable housing. Mr Johnston said the foodstore would be a valuable addition to Dunoon as the gateway to the Highlands. The development will create a speedy delivery of the housing on the site. Mr Johnston urged the Committee to approve the planning application.

Mr Kenneth Adams stated that Dunoon is a holiday town, advising it has changed since 1822 when Castle House was built and people came down the water to stay. The town welcomes tourists and visitors and it has changed from inviting families to older people. He said development is needed and CWP have agreed a payment towards the CHORD project. Mr Adams explained that visitors don't come to the area to visit a supermarket they come for the sea views. It is advantageous to keep people in Dunoon.

Mr Gonzales advised that he had been a resident in Dunoon since 2002 and he is seeking employment. He explained that there are 780 people on job seekers allowance in Dunoon and that if the supermarket were to employ some of these people they, in turn would be contributing to the local economy.

Mrs Dawn Miller advised the Committee that she is a local business woman and she speaking on behalf of many of her customers. She stated that she wants to encourage people to come to Dunoon and to stop people from shopping over on the other side. Mrs Miller explained that there are items that you can't get in Dunoon eg school clothes. She said that she visits ASDA on a regular basis because of variety and price. Mrs Miller explained that a lot of her customers were from out of town and at the moment they go to Inverclyde or Clydebank for their shopping. When asked if they would come into Dunoon if their was a bigger supermarket they agreed they would. Mrs Miller referred to the assertion that the site is 'out of town', and stated that if this is the case, the Fire Station, Hospital, local High School and one of the largest housing areas must also be classed as out of town. Mrs Miller said the supermarket would bring people into town and asked Members to approve the application.

Ms Alcott said the town needed a bigger supermarket because the existing ones don't cater for everybody's needs. She said it is time that Dunoon moved forward.

## **Objectors**

Mr David Mair advised he owned a Pharmacy in Dunoon. He spoke in the non-food products in the proposed supermarket, and the potential impact on town centre traders in this sector, around three quarters of the retail shops in the town centre sell products other than food. Their continuing viability is closely related to that of the town centre as a whole. The recommendation of the Head of Planning is to refuse the application for the proposed supermarket. Mr Mair said the protection of the town centre should outweigh the need to precisely meet the requirements of a particular retailer's business model. It is recognised that the major supermarket operators are continuing to expand their non-food range, knowing that the opportunities for volume growth in the food sector are limited. The Institute of Grocery Distribution has estimated that non-food sales in supermarkets grew by 61% between 2004 and 2009. This expansion, in conjunction with their brand strength, competitive pricing and the convenience of one-stop shopping, puts pressure on traditional town centres, especially those at the smaller end of the size range, Dunoon town centre falls into this category.

The area of the proposed supermarket devoted to non-food retailing would be of sufficient scale to encourage one-stop shopping trips. The applicant's assumptions about non-food trade in the proposed supermarket focus largely on the loss of trade from town centre shops, and a considerable clawback of spending across the water. In a more urban area it is likely that trade losses would be spread over a larger number of shops without any one shop experiencing a large proportion of the loss of trade. In Dunoon's case, the loss of trade assumptions are largely focussed on the town centre and reduction of spending across the water. There is no certainty about the applicant's assumption that a reduction in spending across the water will considerably outweigh the loss of trade to the supermarket from non-food shops in the town centre. Loss of trade from the town centre could well be greater than assumed because of the new opportunity that the proposed supermarket gives to make one-stop shopping trips as well as the likelihood that the proposed supermarket will be selling similar non-food items to those sold in many of the town centre shops. Having stressed the importance of non-food retailing to the town centre, and if it is deemed appropriate to have an additional supermarket, which as the Head of Planning suggests could be accommodated at the gas works site, it is considered that only a minimal amount, around 10%, of the net floorspace should be for non-food sales. The application indicates that the proposed supermarket will have a food sales area of 1,448sqm. This is considerably less than the larger supermarkets. Maximising the food sales area would allow the offer of a fuller range of food resulting in a supermarket that would be more competitive with the larger supermarkets elsewhere. Although the principal function of the proposed supermarket is the sale of food, it is suggested that the Committee should bear in mind the importance of the non-food retailers in the town centre to the continuing viability of the town centre.

Mr Charles Black advised the submission has not been put forward by a supermarket seeking planning consent, it is being put forward by property developers who see an opportunity to profit from developing a site on behalf of unnamed potential buyers. The applicants endeavour to convince us that a benefit of another larger foodstore would be the clawback of shoppers who go across the water for their weekly food shopping, a one day survey suggested that 30% of people do their weekly shop in this manner. The Planning Department don't accept this figure, they say that it would be wrong to assume that the majority of Cowal residents make shopping trips out with the peninsula for convenience proposes only. The Head of Planning states "the protection of the town centre and it's established retailing outlets as a retailing and tourist centre far outweigh any clawback of perceived leakage to areas out with the catchment", they also state, "the proposed large foodstore would not be readily accessible by shoppers on foot and is not within easy walking distance from the existing town centre" He also recognises "the more fragile nature of Dunoon's High Street shops" and "the potential impact on existing comparison retailers has not been sufficiently demonstrated". If the purpose is to provide Dunoon and Cowal with a wider choice of food shopping this could be achieved nearer the town centre on the gasworks site. The development will not purely provide a wider choice of food shopping, it will have considerable floorspace for non-food items on the one stop shop basis, and this will be most serious for those who are already suffering from the current economic situation. Mr Black spoke on the figures used to justify the proposed development. He said the applicants claim that 280 jobs will be created, this was challenged in a report by the National Retail Planning Forum in 1998 which found that after a period of time the net

effect on jobs was a reduction not an increase. He said that the developer claim that there will be local construction jobs, this will be temporary and it is known that supermarkets prefer national contractors. Mr Black spoke on the Retail Impact Assessment, saying that Planners have to take into account the effect that a development may have on other shops selling a similar range of products, the goods sold in an edge of town supermarket can be found in our local main street. The disadvantage to town centre outlets, is that due to massive buying power of the supermarket they can drive down prices to a level that town centre shops cannot compete with and still remain viable. This leads to a downward spiral of staff cuts, lack of investment and ultimately closure, three more shops have already closed in Argyll Street bringing the total number of empty shops to twelve. Mr Black spoke on the Scottish Federation of Small Businesses report commissioned in 2006 to assess the impact of large edge of town supermarkets and spoke on its findings. He spoke on figures from that report and explained that these figures are irrefutable. Mr Black said the success of a town is directly proportionate to the vitality and viability of its town centre and asked Members to refuse the application.

Ms Jennifer Harrison said she runs one of the 7 cafés in the town, advising she services the community and the older people of the town. She said a café in the supermarket will put considerable pressure on the tearooms already in the town.

Ms Dinah McDonald said she has lived in Cowal for 40 years working in the tourist industry. She said she has heard about leakage and feels that people will probably go over the water anyway. Dunoon is a destination and a lot of people come for the day and the town centre is what Dunoon has to offer. Cowal Marketing Group said the proposed development was unfair to the wider trade in shops. The town centre orders something to visitors and they won't want to see boarded up shops. Ms McDonald said that there are numerous examples where new supermarkets affect the town centre and asked Members to turn down this application and don't jeopardise the fragile town centre.

Mr Fraser Littlejohn said he was speaking on behalf of Montagu Evans who represent the National Grid site. The National Grid site is preferable in relative terms. In terms of the sequential approach it is as close as possible to the town and is part of the Local Plan. The National Grid will be submitting a pre-planning application in mid August and National Grid have taken the decision to promote the site. He advised that although the site can flood, appropriate mitigation measures will be put in place. The residual risk is low and would not compromise the development of the site. He reiterated that the National Grid site is available for redevelopment and is preferable to the Walkers site.

The Committee adjourned for lunch at 1.00pm and reconvened at 1.45pm.

Mr Graham Laing spoke on behalf of GL Hearn who represent the Co-operative Group. He asked Members to support the planning officers and refuse the application. His clients have existing business throughout Dunoon with the Co-op Pharmacy and the Co-op foodstore. Mr Laing advised that the health of Argyll Street would be impacted upon adversely by the new supermarket. He said the Co-op is committed, with strong connections to the towns providing price comparison and competition. He said a store of the size proposed would not be complementary to the existing retail provision in Argyll Street, it would be a one stop shop and swallow up Argyll Street. He said the proposed store would

trade 25% below the average level because of its size and location. Published average data shows medium size stores in rural areas has a lower average impact on retailers and the Planners share this view. He agreed that employment is an attractive proposition but that the proposal would also result in job losses in Dunoon town centre. The development is contrary to Local Plan Policy. He asked that Members refuse the application.

Councillor Marshall said the public were apposed to the development, this was reinforced at the meeting in July where 2 out of 3 attendees didn't want a large supermarket at the outskirts of town. He said as Chair of the Area Committee it was his job to uphold the viability of the town centre. The Forward Dunoon & Cowal Group promote the area and receive Town Centre Regeneration money to regenerate the town, this funding was mainly spent in Argyll Street. The CHORD funding will be spent around the waterfront and Queen's Hall. The consultation by the Land Use Consultants, undertaken in partnership with HIE and the National Park, found that the local retail sector is fragile due to Inverclyde. That had been in 2006, and he posed the question that if it was fragile then, what must it be like now. Councillor Marshall said he has some sympathy for the supporters but having a large shop selling lots of non-food items would lead to the collapse of Argyll Street.

Mr Alistair Murray said he owned the Cot House services. The provision of jobs in the new supermarket would be mostly part time – 16 hours a week - this is not sustainable. The clawback of the leakage to out of town supermarkets will not put money back into the town, it will go to the owners of the new supermarket. Referring to supermarket petrol prices he advised that petrol in Dunoon will always be more expensive than the central belt due to the time and distance for delivery. If a local supermarket was to reduce petrol prices the other local petrol stations would close.

Mr Norman Wright said he has been an independent retailer for the past 20/30 years. He said that the town needed to move forward because staying still was dangerous but Dunoon needed to move forward as a community and not as a clone town. He said the town centre is different with the variety of shops. He said the British Shops and Store federation said large supermarkets were the slow death of the high street. He said he represented the stores and asked that Members protect the unique High Street.

Mr Alan Livingstone said that the problem with a one-stop shop is people assume you can't get the items elsewhere. He queried whether a new large supermarket would draw people into Dunoon for shopping, and whether the clawback from the leakage be kept in the town. The main beneficiary will be the supermarket. He said the jobs created in the supermarket would be displacement from job losses in the High Street. He said Dunoon Ceramics has closed, and others are struggling. The local businesses rely on tourism and visitors want a range of shops to wander around on wet days. The town is trying to grow through the BIDS scheme and they don't need a large predatory supermarket. There could be a smaller one located on the gas works site. He asked the Committee to refuse the application.

### **Question Time**

Councillor McCuish asked Mrs Gabriel if the concerns raised by Dunoon



Community Council in relation to traffic, noise and flooding were satisfied by the comments provided by the Roads Department, Public Protection and SEPA respectively as set out in the report by the Head of Planning. Mrs Gabriel advised that Dunoon Community Council retained its concerns as the proposed development is at the Fire Station, Hospital and the main route to the Grammar School, and this would aggravate an already busy area, it would also cause noise pollution for the Hospital which was across the road. On being asked if she disagreed with the Roads Department, Public Protection and SEPA she advised that she did.

Councillor McCuish further asked Mrs Gabriel how many people had attended the public meeting to which she had referred earlier. She replied that approximately 300 people had attended. Councillor McCuish then asked Mrs Gabriel to confirm his understanding of the population of Dunoon as approximately 9000, which she did.

Councillor Devon asked Mr Farrell if he had any concerns about the National Grid site, in terms of whether there might be problems with cars exiting onto Argyll Street from there and from the Co-op further down the road. Mr Farrell advised that he would have to look at the plans in detail but that the draft plan provided shows the access as being onto Hamilton Street, which has its own problems with the proximity to the junction in Argyll Street. If the traffic was exiting onto Argyll Street he would have to look at the proximity to Queen Street, McArthur Street and the Library and would probably ask for a roundabout to be installed.

Councillor Devon asked if Kier Homes are still committed to the housing Development and the Area Team Leader advised that there is planning permission for the whole site, but he has received further information that Kier Homes are content to work with the applicants.

Councillor Devon asked the objectors whether they would be content with a proposal to develop a supermarket on the National Grid site. Mr Black said no, but that it would be preferable.

Councillor Currie asked for clarification on the 'out of town' criteria and the Area Team Leader advised that the Argyll and Bute Local Plan has a sequential approach and this location is classed as "out of town" because it is within countryside, or more out of town than the other available site.

Councillor Currie asked the Area Team Leader whether the plans for the housing are being hindered due to this proposal. Mr Eaglesham advised that the housing development has planning permission but there has since been an economic downturn. Furthermore the Planning Department have been asking for missing information from the housing developers. There is therefore no guarantee that the development would have gone ahead earlier. If the bridge was constructed as part of the supermarket development this would reduce the current constraints on Kier Homes in terms of site development.

Councillor Currie further asked the Area Team Leader is he accepted that 1 in 3 people do their shopping out with the area. The Area Team Leader advised that the extent of the leakage is based on surveys from a small sample of the population and they are not robust. The level of clawback is open to contention.

Councillor Colville asked for clarification in regard to the level of representation as on 16<sup>th</sup> March there had been 29 letters of objections and 20 supporters but these figures had now increased dramatically. The Area Team Leader advised that very few representatives have composed letters, the vast majority being standard letters/petitions.

Councillor Colville asked for clarification on the locational impact - on page 30 of the report there is reference to an impact but on page 39 it is stated there is none. The Area Team Leader explained that there is no contradiction as each of the assessments referred to is looking at a different strand of the proposed development.

Councillor Colville asked for clarification in regard to the indication from the applicants that they would look at commuted payments to offset the loss of affordable housing. The Area Team Leader advised that if Members were minded to approve the application, this would be the subject of further discussion with the applicants.

Councillor Colville asked about the settlement strategy, insofar as he felt that as a lay person Dunoon started at Sandbank. The Area Team Leader advised that the Local Plan differentiates between the two.

Councillor Colville asked if it was up to the Committee what weight they gave to the Retail Impact Assessment and the sequential test and asked how members were to make a decision today when there was no planning application for the gas works site. The Area Team Leader advised that the Members cannot prejudice any application on that site.

Councillor Mackay referred to the size of the development and asked what the difference would be, in terms of jobs created, between a 30,000sq.ft. store and one of 40,000sq.ft. Mr Weir advised that a 40,000sq.ft. store would equate to 280 part and full time jobs and this would be reduced in direct proportion to any reduction in square footage. He accepted that a supermarket could be put on the National Grid site but the maximum size of a store on that site would be 20,000 sq.ft.

Councillor Mackay referred to the applicant's reference to the Campbeltown store, saying that the Campbeltown store may be outside the area but there is also a Section 75 agreement which is different to this case. Mr Mitchell said that he referred to the Campbeltown store because it had similarity with settlement, i.e. a major development located in town.

Councillor Mackay asked whether an application for development of the National Grid site would have been subjected to the sequential test. The Area Team Leader confirmed that this would have been the case.

Councillor Mackay further asked if the National Grid site would have passed the sequential test and the Area Team Leader said it would depend on the application received.

Councillor Kinniburgh asked for clarification from Mr Black in regard to his assertion that the town centre extended from Ferry Brae to the Burgh Hall,

although he had later said that Morrison's was within the town. Mr Black advised he was talking about distances from the town centre to the new development and in that case Morrison's was not classed as in the centre of town.

Councillor Kinniburgh asked if Hunters Quay Community Council supported the development and if they had a public consultation. Mr Bell said that the Community Council had not undertaken any formal consultation but all of those asked supported the development.

Councillor Kinniburgh referred to the statement by the applicant that they consult with 5 different supermarkets, including Morrison's and the Co-op. He asked if the development was to go ahead would one of the existing shops be closing. Mr Weir said that they had spoken to both Morrison's and the Co-op, who are happy with their current provision in Dunoon. Interest in the proposed site has been expressed by Tesco, Sainsbury and Asda.

Councillor McCuish asked the Community Councils if they felt the area would benefit from a new supermarket and Mr Bell, for Hunters Quay Community Council, said it would, whereas Mrs Gabriel, for Dunoon Community Council, said it is debatable.

Councillor McCuish further asked the Community Councils if they felt that it would increase employment. Mr Bell (Hunter's Quay Community Council) felt it would increase employment, whereas Mrs Gabriel (Dunoon Community Council) felt it would reduce employment.

Councillor Colville asked if the National Grid site did not exist would this site pass the sequential test. The Statutory Planning Officer advised that if the National Grid site was not there then this site would be the next sequential site but it would still be adverse to the town centre and be recommended for refusal. Councillor Colville further asked if this was up to the decision makers to determine what weight to place upon the Retail Impact Assessment. The Statutory Planning Officer said it would depend on the level of impact and whether the impact assessment was robust.

Councillor Devon asked Mr Walker if he felt his shop was disadvantaged because it was out of town and he replied no.

## **Summing Up**

### **Planning Authority**

The Area Team Leader, Development Management reiterated that the Retail Impact Assessment is based on assumptions about leakage from the town and the needs of the town can be met by a smaller store. This application is not acceptable and he asked Members to refuse the application for the reasons set out in the report.

## **Applicant**

Mr Weir summed up by saying the National Grid Site is not up for debate and that it falls short of the operator's requirements. He said the town would benefit from competition and choice and CMP have offered a contribution towards the CHORD project and a sum for the loss of affordable housing. He said he knows what operators are looking for and the National Grid site could not deliver the size, amount of car parking or a filling station. He also said the supermarket would not take over the town, it would provide investment and jobs and asked Members to approve the application.

## **Consultees**

Mr Barr, Dunoon Community Council said he stood by their objections and that the applicants were the only people who would gain from this development. He felt that some of the information the applicants had provided was incorrect and the proposal should be rejected.

## **Supporters**

On being asked to sum up the supporters had nothing further to add.

## **Objectors**

Mr Littlejohn reiterated that Montague Evans had tested the size of the food store and layout for the National Grid site and had hired a team of consultants to take this forward.

Councillor Marshall reiterated that he was concerned that people would use the 238 free parking spaces at the supermarket and the town centre would be neglected, he questioned the distance from the town centre and asked if Members were mindful to grant the planning permission then to make sure the promises made by CWP are kept.

Mr Livingstone said if Members were in any doubt about the figures quoted then they should refuse the application, their decision was critical for Dunoon. He said there was a compromise of a smaller store on the National Grid site, this store would not take over the non food retail and therefore not take over the town.

Councillor Kelly asked all parties if they considered that they had received a fair hearing. All confirmed this was the case.

## **Debate**

Councillor Kelly advised that he had listened to the cases put forward in regard to housing, job losses and creation and the affect the supermarket would have on the town centre and supported refusal of the application.

Councillor Kinniburgh advised that he had a difficulty with the sequential test and felt the supermarket was too far away from the centre for the shops to derive any benefit. He advised that he supported the recommendation by the Head of Planning that the application be refused.

Councillor Mackay advised that Dunoon needed more competition and was disadvantaged by not having choice but felt that the developer could not demonstrate the sequential test and for this reason had to agree with the Head of Planning and refuse the application.

Councillor McCuish advised that this development would benefit the majority of people and wished to approve the application.

Councillor Devon felt she, also, wished to approve the application.

Councillor MacMillan advised that he had witnessed what happens to the community when a supermarket was built and supported the recommendation by the Head of Planning to refuse the application.

Councillor MacAlister advised that Dunoon needed the employment and needed to move forward, he wished to approve the application.

Councillor McQueen advised that the employment was needed in the area and wished to approve the application.

Councillor Colville advised that Members needed to decide on what information was in front of them and had concerns about finding a competent motion and thought the application should be continued to discuss planning conditions and planning gain.

Councillor Currie advised he felt the leakage was the most important issue and felt that the four reasons the planners had set out for refusing the application had been addressed. He therefore wished to approve the application.

It was agreed to adjourn the meeting for ten minutes to allow Members to prepare a valid motion for approval of the application.

Upon the meeting reconvening:

### Motion

To refuse the application for the reasons set out in the report by the Head of

Planning..

Proposed: Councillor D Kelly

Seconded: Councillor D Kinniburgh

### Amendment

To continue the determination of the application to a future meeting to allow Members to explore the formulation of a valid motion to approve the application.

Proposed: Councillor MJ Devon

Seconded: Councillor R McCuish

On being put to the vote 4 voted for the Motion and 6 voted for the Amendment.

### **Decision**

The Committee agreed to continue the determination of the application to a future meeting to allow Members to explore the formulation of a valid motion to approve the application.

(Reference: Reports by Head of Planning and Regulators Services dated 4<sup>th</sup> March 2011, Supplementary Report 1 dated 15<sup>th</sup> March 2011, Supplementary Report 2 dated 30<sup>th</sup> March 2011 and Supplementary Report 3 dated 7<sup>th</sup> April 2011.