

Argyll and Bute Council  
Development and Infrastructure Services

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

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Reference No: 10/01623/PP  
 Planning Hierarchy: Local application  
 Applicant: Alister McAlister  
 Proposal: Demolition of extension and alterations to hall to create flat on upper level with car parking space and external alterations.  
 Site Address: 140 Edward Street, Dunoon, Argyll

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#### DECISION ROUTE

(i) Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

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#### (A) THE APPLICATION

- (i) **Development Requiring Express Planning Permission**  
Conversion of sports hall to create residential flat on upper level;  
External alterations to hall.
  - (ii) **Other specified operations**  
Demolition of side extension;  
Connection to public water main and public wastewater system.
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#### (B) RECOMMENDATION:

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

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#### (C) HISTORY

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

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

97/00948/COU change of use of hall to 2 houses withdrawn 28<sup>th</sup> July 1997;

97/01136/COU change of use of sports hall to form two dwellinghouses granted 2<sup>nd</sup> September 1997;

03/02041/VARCON removal of condition 2 of permission 97/01136/COU in relation to obscure glazing on bedroom windows withdrawn 1<sup>st</sup> April 2004;

03/02087/NMA non-material amendment for installation of UPVC windows (relative to application 97/01136/COU) approved 4<sup>th</sup> February 2004;

04/00536/VARCON variation of condition 2 and 3 of permission 97/01136/COU in relation to window type and glass type used granted 22<sup>nd</sup> April 2004.

Both dwellinghouses within the larger hall have been constructed and occupied with one integral garage for each.

An application (ref. 09/00962/COU) for the demolition of extension and alterations to hall to create one flat on upper level with car parking space and external alterations was refused on 29<sup>th</sup> September 2009 due to unsatisfactory parking arrangements.

**(D) CONSULTATIONS:**

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

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

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

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

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**(F) REPRESENTATIONS:**

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

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**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- (i) **Environmental Statement:** No.
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No.
- (iii) **A design or design/access statement:** No.
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No.

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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** No.

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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No.

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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

*Argyll and Bute Local Plan (August 2009)*

*Policy LP ENV 19 Development Setting, Layout and Design including Appendix A Sustainable Siting and Design Principles;*

*Policy LP TRAN 6 Vehicle Parking Provision including Appendix C Access and Car Parking Standards.*

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009. n/a**
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(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: No.

(L) Has the application been the subject of statutory pre-application consultation (PAC): No.

(M) Has a sustainability check list been submitted: No.

(N) Does the Council have an interest in the site: No.

(O) Requirement for a hearing (PAN41 or other): No.

(P) **Assessment and summary of determining issues and material considerations**

Proposal

The premises are currently in use as a karate hall after the former church hall was converted following approval in 1992 (ref. 92/00700/COU). At that time no car parking was provided and on-street car parking was judged sufficient given the former use of the building as a church. The two dwellinghouses within the adjoining conversion (ref. 97/01136/COU) were designed with integral garages that were considered to offer an acceptable standard of off-street parking provision at that time.

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

Assessment

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

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

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

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

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

#### CONCLUSION

The intensification of the existing hall to incorporate a large flat at upper level could lead to traffic and pedestrian safety concerns with insufficient off-street car parking proposed. The proposal would be contrary to policies LP ENV 19 and LP TRAN 6 of the Argyll and Bute Local Plan (August 2009) and does not justify the grant of planning permission.

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(Q) Is the proposal consistent with the Development Plan: No.

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(R) Reasons why planning permission or a Planning Permission in Principle should be granted. n/a

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(S) Reasoned justification for a departure from the provisions of the Development Plan n/a

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(T) Need for notification to Scottish Ministers or Historic Scotland: No.

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Author of Report: Brian Close

Date: 8<sup>th</sup> February 2011

Reviewing Officer: David Eaglesham

Date: 15 February 2011

Angus Gilmour  
Head of Planning

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

1. The lack of dedicated off-street car parking spaces to serve the proposed three bedroom flat could result in pedestrian and road safety in addition to exacerbating on-street parking problems associated with the current use of the hall and contrary to the provisions of LP TRAN 6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. Accordingly, the proposal would be contrary to Policy LP ENV 19 (Development Setting, Layout and Design), including Appendix A Sustainable Siting and Design Principles and Policy LP TRAN 6 (Vehicle Parking Provision) of the Argyll and Bute Local Plan (August 2009), including Appendix C Access and Parking Standards.

## APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application 10/01623/PP

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

The provision of no dedicated off-street car parking spaces to serve the proposed three bedroom flat would be contrary to the provisions of LP TRAN6 where the required minimum car parking standard for a 2-3 bedroom unit would be 2 spaces. Accordingly, the proposal would be contrary to Policy LP ENV 19 'Development Setting, Layout and Design' of the Argyll and Bute Local Plan (August 2009), including Appendix A Sustainable Siting and Design Principles and Policy LP TRAN 6 Vehicle Parking Provision of the Argyll and Bute Local Plan (August 2009), including Appendix C Access and Parking Standards.

- (B) Submitted Drawings

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

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

- (C) Has the application been the subject of any "non-material" amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing.

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