

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

Reference No: 11/01032/PP

Planning Hierarchy: Local Application

Applicant: Argyll & Bute Council

Proposal: Change of use of ground floor flat to family mediation centre

Site Address: 60A Edward Street (Woodside) Dunoon

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Change of use of ground floor flat to family mediation centre

(ii) Other specified operations

- Erection of 1.8m fence around rear garden
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(B) RECOMMENDATION:

It is recommended that planning permission be granted subject to the conditions, reasons and advisory notes set out below.

(C) HISTORY:

An application in 2007 to erect a dwellinghouse in the rear garden of 60 Edward Street was withdrawn (07/00856/DET).

(D) CONSULTATIONS:

Area Roads Manager response dated 18 July 2011): This proposed development will be accessed from U055 Mary Street, Dunoon within an urban 30 mph speed restriction in a predominantly residential area with a few offices, shops and local services. There is one existing off-street parking space adjacent to the property. The required sightlines for this space are 20 x 2.0 metres. All walls, hedges and fences to be maintained at a height not exceeding 1 metre above the road. Both on-street parking and off-street parking in

nearby Council Car Park are available, within 100 metres of the site and this area is also well served by the local bus service network which enables the use proposed to be served by a lower provision of parking bays..

Public Protection (responses dated 7 and 14 July 2011): Initial response that measures to mitigate noise may be necessary, if it is intended to open very early or very late. Subsequent response of no objection to proposed opening hours.

(E) PUBLICITY:

Neighbour notification (expiry date 21 July 2011)

(F) REPRESENTATIONS:

Eight objections have been received from
Gavin Orr, 26 Mary Street, Dunoon (e-mail dated 17 July 2011),
Margaret and David Martin, Carradale, 22 Mary Street, Dunoon PA23 7ED (letter dated 20 July 2011),
Stephen and Lisa Bulloch, 36 Mary Street, Dunoon PA23 7EE (e-mail dated 19 July 2011)
Mr A Gilbert, 54A Mary Street, Dunoon PA23 7EE (e-mail dated 20 July 2011) Mr & Mrs Oliver, 66 Edward Street, Dunoon (letter dated 20 July 2011)
Mr & Mrs Taylor, 45 Mary Street, Dunoon (e-mail dated 20 July 2011) and
Mr & Mrs Donnachy, 10 Edward Court, 19 Mary Street, Dunoon PA23 7JN (letter dated 20 July 2011)
Mr Tom Morton, 48 Mary Street, Dunoon (e-mail dated 21 July 2011)
together with a petition of objection with 10 signatures.

In total, 22 individuals have objected to the application

(i) Summary of issues raised

- i. Concern about number of people who would use the centre

Comment: Only one family will use the centre at any time by appointment, so there will not be large numbers of people attending

- ii. An increase in traffic would be detrimental to safety in the street. Parking on double yellow lines already causes road safety problems

Comment: Only one family will use the centre at any time by appointment, so there will only be limited traffic movements through the day. There is unrestricted on-street parking in close proximity to the application premises.

- iii. Loss of property value by up to 10-15%

Comment: Loss of property value is not a material planning consideration

- iv. Police may be called because of potential volatile nature of meetings

Comment: This is not a material planning consideration

- v. Inappropriate use in block containing licensed premises as mediation will involve people abusing drink or drugs

Comment: Only one family will use the centre at any time by appointment and participants have to agree to a code of conduct.

(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 eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:**

The application includes an Operational Statement which outlines the service provided by Family Mediation. It confirms that the work is carried out between the hours of 9am and 6pm, Mondays to Saturdays.

(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 Structure Plan' 2002

STRAT DC 1 – Development within the Settlements

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment

LP BAD 1 – Bad Neighbour Development

LP COM 1 -- Community Facility Development

LP TRAN 6 – Vehicle Parking Provision

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

N/A

- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** No

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

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

(N) Does the Council have an interest in the site: Yes

(O) Requirement for a hearing (PAN41 or other):

On the basis that representations have been received from a total of 22 individuals, it is considered justifiable to hold a discretionary hearing into this application prior to a decision being made.

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

The key issue is the appropriateness of such a use operating within this residential area of Dunoon. It is felt that the actual use of this property, as a mediation centre, would be low key and have a very limited impact upon its surroundings. Conditions can be imposed on the grant of planning permission to ensure the use does not intensify by stipulating the days per week and hours per day the centre can open.

Roads & Amenity Services have raised no objection to this application. This new use does not generate a significant volume of traffic beyond what could reasonably be expected from the lawful use of this property as a flat.

This property has been identified by the Council as a potential alternative location for the Family Mediation Service following refusal of retrospective permission in respect of premises at Wellington Street, which are due to be vacated shortly following dismissal of an appeal and associated enforcement action.

In dismissing that appeal the Reporter found that the use would lead to vehicles using a narrow residential cul-de-sac with insufficient parking, turning or egress visibility which would have implications for road safety and residential amenity of other dwellings in the street. In so doing, he did not conclude that the use was fundamentally incompatible with residential uses, but that the particular circumstances were such that residential amenity and road safety would be compromised due to the layout and access circumstances of the particular site. The current application property does not share the same shortcomings in terms of access consequent possible disturbance to neighbours that led to the refusal and dismissal of appeal in respect of those premises.

(Q) Is the proposal consistent with the Development Plan: Yes

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

The proposal accords with policies STRAT DC 1 of the Argyll & Bute Structure Plan 2002 along with policies LP ENV 1, LP COM 1 and LP TRAN 4 of the Argyll and Bute Local Plan 2009 and the proposal raises no other material consideration which would justify refusal of permission.

(S) Reasoned justification for a departure to the provisions of the Development Plan

N/A

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

Author of Report: David Eaglesham

Date: 20th July 2011

Reviewing Officer: Richard Kerr

Date: 22nd July 2011

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

CONDITIONS AND REASONS RELATIVE TO APPLICATION 11/01032/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 20th June 2011 and the approved drawings 1;1250 location plan and 1;50 floor plan L(00)001 unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

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

2. The use hereby permitted shall be discontinued no later than 30th December 2016, unless a further permission has been sought and granted.

Reason: In order to enable the Planning Authority the opportunity to assess the effect of the use on the surrounding area and to enable the use of the premises to revert to a residential flat if the use hereby permitted ceases.

3. The use hereby approved shall not operate except between the hours of 8:00am until 6:00pm Monday to Saturday only.

Reason: In order to control the intensity of use and to protect the established levels of privacy and amenity afforded to neighbouring residential properties.

NOTES TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 11/01032/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The premises are located within the defined settlement zone of Dunoon, which is identified as a Main Town by the Development Plan. Policy STRAT DC 1 of the Structure Plan applies. Developments that are not deemed consistent with this policy are those ‘bad neighbour’ developments which are essentially incompatible with the close configuration of land uses found in settlements.

Policy LP BAD 1 of the Local Plan applies to ‘Bad Neighbour Developments’ as defined by Schedule 7 of the Town & Country Planning (General Development Procedure) (Scotland) Order 1992. Given the location and nature of this proposal, as outlined in the next section, the family mediation centre is not considered to constitute a ‘Bad Neighbour Development’ in this context and therefore policy LP BAD 1 does not apply.

Policy LP COM 1 presumes in favour of community facilities in settlements provided the development is of a form, location and scale consistent with policy STRAT DC 1.

Accordingly, in terms of the settlement strategy, the proposal would be consistent with the provisions of the development plan.

B. Location, Nature and Design of Proposed Development

The application premises is a vacant ground floor two bedroom flat within a block which also comprises a corner shop and two upper flats, one of which is vacant. The block is located on the south-eastern corner of Edward Street and Mary Street in a predominantly residential area of Dunoon. It is intended to retain the internal arrangement and decor to provide a homely character to the premises, for those using the service. An area of garden at the rear of the property is to be enclosed by a 1.8m high close-boarded fence.

The family mediation centre is used by families in dispute and by parents and their children who live apart. The service is used by all sectors of the community from professional to the unemployed and is a safe, neutral and homely environment where parents who no longer live with their children can meet them. All mediation sessions and contact visits are by appointment only and are supervised by staff at all times. The visiting and exiting times are staggered to avoid any possible clients meeting in the proximity of the premises. This service is offered throughout Argyll & Bute. The mediation service operates from Monday to Saturday between the hours of 8 am and 6 pm. Contact and mediation sessions generally last between one to two hours.

It is considered that the actual use of this property, as a mediation centre, is low key and would have very limited impact upon its surroundings. Conditions can be imposed on the grant of planning permission to ensure the use does not intensify by stipulating the days per week and hours per day the centre can open.

C. Road Network, Parking and Associated Transport Matters.

The property has a single parking space available. The proposed use is not expected to give rise to a significant parking requirement above the lawful use of the premises as a flat, whilst there is scope for visitor parking on adjacent streets through the day.

It is therefore not considered that there is a conflict with Policy LP TRAN 6 of the Argyll & Bute Local Plan.