

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: 14/00561/PP

Planning Hierarchy: Local application

Applicant: Fyne Initiatives

Proposal: Erection of two blocks of residential flats (12 x 1 bedroom and 5 x 2 bedroom) and formation of new vehicular access.

Site Address: Former St Cuthberts Church of Scotland, 191 Argyll Street, Dunoon, Argyll

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of two blocks of residential flats (Block A Argyll Street - 9 flats,
- Block B Royal Crescent - 8 flats);
- Formation of new vehicular access from Albert Crescent;
- Realignment of Albert Crescent and repositioning of parking bays;
- Formation of 4 car parking spaces and turning area for Block B;
- Erection of communal bin shelters;
- Installation of surface water drainage system;
- Erection of retaining walls and ground engineering works;
- Landscaping, shrub planting and boundary treatments.

(ii) Other specified operations

- Connection to public water main and public sewer;
 - Removal of trees.
-

(B) RECOMMENDATION:

It is recommended that Planning Permission be granted subject to

- i) A discretionary local hearing being held prior to the determination of the application in response to the number of third party representations received; and

ii) the conditions, reasons and advisory notes set out below.

(C) HISTORY:

St. Cuthbert's Church was demolished in July 1994 (Building Warrant ref. 94/00042/DEM granted 28th January 1994) and the site has lain vacant since.

Planning permission (ref. 97/00169/DET) for the erection of two blocks of 15 flats was granted to Tulloch Projects (Argyll) Ltd. on 12th May 1997 but lapsed in 2002. A subsequent appeal against conditions 5, 7 and 9 of this permission (ref. P/PPA/130/18) was granted by Scottish Office Reporter on 11th March 1998.

A planning application (ref. 13/02736/PP) for the erection of two blocks of 19 flats was withdrawn on 16th January 2014 due to issues concerning design, materials, scale and massing and impact on Dunoon Burgh Hall, St. Johns Church and Royal Crescent.

(D) CONSULTATIONS:

Area Roads Engineer (response dated 31st March 2014): No objections subject to conditions regarding design of access road, sightlines, parking provision for Block B and surface water drainage. Advisory notes regarding requirements for Roads Construction Consent for the re-design of Albert Crescent and a Road Opening Permit for all works on the footway and carriageway.

Historic Scotland (response dated 9th April 2014): No objections in terms of impact on the setting of St. Johns Church. Comments regarding choice of external materials for Block B.

Scottish Water (expiry date 11th March 2014): No response to date.

The Architectural Heritage Society of Scotland (expiry date 11th March 2014): No response to date.

(E) PUBLICITY: Regulation 20 advert (publication date 21st March 2014, expiry date 11th April 2014).

(F) REPRESENTATIONS:

35 objections and 18 letters of support have been received from the following:

Objectors (35)

Councillor Bruce Marshall, Ward 6 Cowal (email dated 1st April 2014) has objected on the grounds that the development is out of context with the Argyll Street frontage and would dominate the setting of the important adjacent listed buildings, namely the Burgh Hall and the St Johns Church.

Councillor Michael Breslin, Ward 7 Dunoon (email dated 3rd April 2014) has objected on the grounds that the proposal does not overcome the shortcomings of the previously withdrawn application in terms of issue such as density and parking. All other buildings in Argyll Street have retail space below them and this will be a notable exception. The proposal does not respect the setting of the adjacent listed buildings and a better use for the site would be as a public open space.

Member of the public expressing objections are as follows:

Mr George Macdonald, 8 King Street, Dunoon (emails dated 18th March and 29th March 2014);
Mrs Christine McIntosh, 55 Royal Crescent, Dunoon (email dated 21st March 2014);
Mr John McIntosh, 55 Royal Crescent, Dunoon (email dated 23rd March 2014);
Derek McDermott, Redhurst, 71 Royal Crescent, Dunoon (email dated 24th March 2014);
Mr Michael Bottomley 59 Royal Crescent, Dunoon (letter dated 24th March 2014);
Louise Jackson, 63 Royal Crescent, Dunoon (letter dated 24th March 2014);
A Jackson, 63 Royal Crescent, Dunoon (letter dated 24th March 2014);
A Morton, Kirkhill, Royal Crescent, Dunoon (letter dated 31st March 2014 with previous letter dated 25th December 2013 attached);
Mr. John Stirling, 29 MacArthur Street, Dunoon (email dated 31st March 2014);
Lillian E. Laidlaw, Kirkhill, 56 Royal Crescent, Dunoon (letter dated 1st April 2014);
John McAslan, Chairman of the Dunoon Burgh Hall Trust (letter dated 1st April 2014);
Dava Sagenkahn, Board Director, Dunoon Burgh Hall Trust (letter dated 1st April 2014);
Sir Charles MacLean, Director, Dunoon Burgh Hall Trust (email dated 1st April 2014);
Mrs. Molly Malcolm, Carradale Cottage, 10 Hanover Street, Dunoon (letter dated 2nd April 2014);
Ms. Ann Campbell, Ardluing, Kilmun (email dated 3rd April 2014);
Mrs. Sheena Walker, 61 Royal Crescent, Dunoon (letter dated 3rd April 2014);
Mr. Robin Walker, 61 Royal Crescent, Dunoon (email dated 3rd April 2014);
Mr. Michael Curnyn, 172 Argyll Street, Dunoon (email dated 3rd April 2014)
Ms Oona Boyce, 20 James Morrison Street, Glasgow (two emails dated 4th April 2014);
Ms. Jenny Hunter, Dunoon Burgh Hall, Argyll Street, Dunoon (email dated 4th April 2014);
Mr. George Robertson, 5 Gibson Grove, Dunblane (email dated 6th April 2014).
Jack Gibson, Steven Gibson Ltd, 96 Argyll Street, Dunoon (two letters dated 3rd April 2014);
Kathleen Gibson, Steven Gibson Ltd, 96 Argyll Street, Dunoon (letter dated 3rd April 2014);
Andrew Gibson, Steven Gibson Ltd, 96 Argyll Street, Dunoon (letter dated 3rd April 2014);
Gail Brown, Steven Gibson Ltd, 96 Argyll Street, Dunoon (letter dated 3rd April 2014);
Mr. James Malcolm, Carradale Cottage, 10 Hanover Street, Dunoon (letter dated 4th April 2014);
Mr. Colin Tyre, Tynefield, Dunbar (email dated 7th April 2014);
John W Paterson, Clerk to the Deacons Court, St. Johns Church, 3 Cedar Grove, Dhalling Road, Dunoon (letter dated 7th April 2014);

Ms Catriona Johnston, 65 Royal Crescent, Dunoon (email dated 8th April 2014).
Professor Christopher Platt and others, Mackintosh School of Architecture, The Glasgow School of Art (letter dated 4th April 2014).

The concerns raised are summarised below:

Design

- Proposed buildings out of keeping with the local area and have no place in Dunoon town centre, where there are no entirely residential buildings;
- Proposed buildings are not in keeping with listed Burgh Hall (now subject to a £1.65M restoration), St. Johns Church and Royal Crescent;
- Proposed contemporary flatted development would not blend with existing Victorian and Edwardian architecture on Royal Crescent;
- Proposed development will stand out like a sore thumb;
- Alternative design options suggested;
- Site may be better as a public park or for sheltered housing;
- New plan is hardly an improvement on the previous one which attracted 41 objections;
- Revised scheme includes little more than tinkering cosmetic changes;
- Proposed density too high with little amenity space for residents;
- Recent developments already showing effects of weather on light coloured walls;
- Proposed wooden fencing out of place in local surroundings.

Comment: Issues relating to design and appearance are considered in the appendix below.

Parking

- Spaces now reduced to 4 to serve 17 flats;
- Parking survey results misleading;
- The development would contribute to traffic congestion on Royal Crescent;
- Low number of car parking spaces for residents will lead to existing on-street spaces being taken up;
- On-street parking is at a premium in this area and the development would greatly exacerbate the problem;
- Albert Crescent is a narrow one-way street and existing parking bays would disappear to allow access;
- Number of dwellings proposed would have a detrimental effect on traffic management and safety in Royal Crescent, already dangerous due to parked cars and limited visibility.

Comment: The Area Roads Engineer has not objected to the application on access or parking grounds.

Amenity

- Proposed two and three storey flatted block will block out light to Kirkhill adjacent;
- Concern that excavation and construction works will affect the adjacent property Kirkhill;
- Flatted housing with windows looking into the adjacent properties will result in a loss of privacy;
- Lot of noise once flats were occupied from loud music and noisy children;
- Potential 'Bad Neighbour in Reverse' issues from activities within the Burgh Hall;
- Issues regarding construction of the site and location for site compounds and parking;
- Disruption to local community throughout construction period.

Comment: Issues relating to amenity are considered in the appendix below.

Applicant motives

- Building high density housing on such a site is based on financial considerations rather than altruism;
- Population survey quoted inaccurate;
- Shortage of affordable housing can have no bearing on a planning application;
- Is this the best piece of land which Fyne Homes can come up with for such a development?;
- Does cramming the site with too many flats and residents with reduced car parking and amenity result in social harmony or cohesion in the short or long term?

Comment: The applicant is a Registered Social Landlord the primary function of which is to provide affordable homes in response in locations to meet identified demands. Beyond that, their motives as a developer are not a material planning consideration.

Supporters (18)

18 letters of support have been received from:

Mrs. Catherine Proctor, 67 Hunter Street, Kirn (email dated 8th April 2014);
Mr Ross Hodson Craigielee, Shore Road Strone (email dated 19th April 2014);
Neil Ferguson, no address given (letter dated 11th April 2014);
David Cooper, no address given (letter dated 11th April 2014);
Neil Muir, no address given (letter dated 11th April 2014);
J Curran, no address given (letter dated 11th April 2014);
Christopher Hurst, no address given (letter dated 11th April 2014);
Thomas Callaghan, no address given (letter dated 11th April 2014);
Lorna Callaghan, no address given (letter dated 11th April 2014);
Paul Jelf, no address given (letter dated 11th April 2014);

David Shannon, 5 Jaycroft Hunters Quay Holiday Village Hunters Quay Dunoon (letter dated 11th April 2014);
Jacqueline Simpson, no address given (letter dated 11th April 2014);
Derek McHugh, no address given (letter dated 11th April 2014);
Kirsty King, no address given (letter dated 11th April 2014);
Lewis McIndewar, no address given (letter dated 11th April 2014);
Russell Lees, no address given (letter dated 11th April 2014);
Steven Shaw, no address given (letter dated 11th April 2014);
Stewart G. Shaw, no address given (letter dated 11th April 2014);

The motives for support are summarised below:

- Consider that the flats will only improve Argyll Street;
- The flats will provide much needed accommodation in the town centre;
- There are few locations in the town centre for new affordable housing;
- Site has lain unused and derelict for many years and detracts from the streetscape;
- The development will remove a local 'eye-sore' and lead to further regeneration of the town centre and wider area;
- New residents will help boost business for local shops;
- Current suggestions for public open space usage of the site is not viable as the land is not in public ownership;
- The project would provide custom to local building trade business.

(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:** Yes

A revised Design Statement dated 25th February 2014 indicates that the site will provide affordable housing and that the proposed project is currently in the Strategic Housing Fund. The Local Housing Strategy has identified a shortfall of 300 socially rented homes within the Cowal area. The proposal is for 17 affordable flats, all for rent. Planning permission was previously granted in 1997 for two flatted blocks of three-storeys to Argyll Street and a stepped two-storey block to the rear. Extensive consultation has been undertaken with various bodies in respect of the original and revised submission. The site was cleared of overgrown shrubs and trees to allow an updated topographical survey plus site investigation work to be carried out.

The applicants have also submitted correspondence (letter dated 27th March 2013) from Scottish Water to their engineering consultants concerning DIA form and acceptance in principle in terms of connection and capacity of public water supply and public wastewater system.

- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
-

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No. Proposed works to Albert Crescent can be addressed via a suspensive planning condition and Roads Construction Consent.

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

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

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

'Argyll and Bute Structure Plan' 2002

STRAT SI 1 Sustainable Development;
STRAT DC 1 Development within The Settlements;
STRAT HO1 Housing – Development Control Policy;
STRAT DC 9 Historic Environment and Development Control.

'Argyll and Bute Local Plan' (August 2009)

The application site lies within the Main Town settlement of Dunoon and within the Main Town Centre zone. The following policies are applicable

LP ENV1 Development Impact on the General Environment;
LP ENV 7 Development Impact on Trees / Woodland;
LP ENV13 (a) Development Impact on Listed Buildings;
LP ENV14 Development in Conservation Areas and Special Built Environment Areas;
LP ENV19 Development Setting, Layout and Design (including Appendix A Sustainable Siting and Design Principles);
LP HOU 1 General Housing Development;
LP HOU 2 Provision of Housing to Meet Local Needs including Affordable Housing Provision;
LP SERV 1 Private Sewage Treatment Plants and Wastewater Systems;
LP SERV 2 Incorporation of Natural Features/Sustainable Drainage Systems;
LP TRAN 3 Special Needs Access Provision;
LP TRAN 4 New and Existing Public Roads and Private Access Regimes;
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.**

Argyll and Bute Council Proposed Local Development Plan (February 2013);
SPP, Scottish Planning Policy, 2010;
Planning history;
Argyll and Bute Sustainable Design Guide;
Applicants Supporting Information;
Consultee Responses;
Third party representations.

- (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**
No
-

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

- (N) **Does the Council have an interest in the site:** Yes. The Council leases a small part of the application site fronting Argyll Street from Fyne Homes until 2015. This area has been developed as a public seating / landscaped area. Additionally, the Council also maintains Albert Crescent which is included within the application site boundary where necessary road realignment works are proposed.
-

- (O) **Requirement for a hearing (PAN41 or other):** Yes. As this proposal has attracted a substantial body of objection, it is recommended that a Discretionary Hearing is convened prior to the determination of this application.
-

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

In the 'Argyll and Bute Local Plan' the application site is located in the Main Town settlement of Dunoon within the Main Town Centre zone, but outwith the Core Shopping Area. The application site lies within the Royal Crescent Special Built Environment Area and immediately adjacent to the Argyll Street Special Built Environment Area. The application site also lies within an area designated Area For Action 'AFA 2/1 Dunoon Town Centre/Waterfront/West Bay', where town centre and environmental enhancement is encouraged. The application site lies immediately adjacent to Dunoon Burgh Hall, a Category B listed building and in close proximity to St. John's Church, a Category A listed building. The application site is a prominent gap site and regarded as 'brownfield' due to being previously occupied by St. Cuthbert's Church, which was demolished in 1994.

As the application site is located within the Main Town settlement of Dunoon, there is a presumption in favour of residential development (all scales) as identified in the adopted local plan and subject to the provisions of policy STRAT DC 1 of the Structure Plan. The principle of housing development is supported by policies

STRAT DC 1 and LP HOU 1 which supports residential development on appropriate infill and redevelopment sites within the established settlement area. In terms of Policy LP HOU 1 of the 'Argyll and Bute Local Plan', the proposal represents a suitable form of 'medium scale' development in a main town, as defined by the Local Plan. The principle of an entirely residential development on the site was previously established by the granting of planning permission in 1997 (ref. 97/00169/DET) for two blocks of flats with a total of 15 flats. The current proposal is broadly similar to that scheme.

A previous application (ref. 13/02736/PP) for 19 flats attracted some 40 objections and was withdrawn due to issues concerning siting, design and materials. The current application is a result of further discussions between the applicants and the Council in an attempt to address previous design concerns. The main revisions to the original scheme is the splitting of the site into two distinct components with a 'car-free' block facing Argyll Street, reduction in flats from 19 to 17, improved design articulation and the introduction of natural stone to principal elevations.

The application is for the erection of 17 no. flats within two 2 detached blocks. The three-storey Block A on Argyll Street contains 9 flats with a mix of 6 x 1 bed units and 3 x 2 bed units. This block is rectangular with pitched and gabled slated roof and natural stone faced front elevation. This block has been designed as 'car-free' and has no physical link to the upper block. The two/three-storey Block B on Royal Crescent contains 8 flats with a mix of 6 x 1 bed units and 2 x 2 bed units. This block is split-level, rectangular shaped with pitched and gabled slated roof and natural stone feature panels on main elevations. Block B is accessed from Albert Crescent where parking for 4 cars will be provided for the 8 flats.

35 objections have been received with strong objections from the Dunoon Burgh Hall Trust, residents of Royal Crescent, Mackintosh School of Architecture and two Local Members. The objectors consider that the site is not appropriate for such a flatted development, which would look out of place within Argyll Street and Royal Crescent, and that the development would exacerbate existing traffic issues around the site.

18 letters of support have been received where the supporters consider that the flats will only improve Argyll Street, provide much needed affordable accommodation in town, remove a local 'eye-sore' and lead to further regeneration of the town centre.

Historic Scotland offers no objections in respect of potential impacts on St. Johns Church. Given the urban context, Historic Scotland considers that there would not be a significant detrimental impact on the setting of the church, however, the use of white render on Block B elevations facing St. Johns Church is queried and suggest alternative external materials and sympathetic planting to mitigate the impact of this block on the surrounding area.

The applicants state that there is currently high demand for affordable homes in Cowal and that the proposed development would help to deliver a mix of 1 and 2 bed flats on a brownfield development site within Dunoon Town Centre. Notwithstanding the volume and strength of local objection, the department considers that the improvements made to the original scheme address many of the earlier issues and that the proposed development generally complies with Development Plan policies. Given the planning history of the site and the previous permission, refusal of the current scheme for much needed affordable housing would be difficult to justify. Whilst some of the objectors believe that there may be better alternative uses for this site, it is ultimately in the ownership of Fyne Homes who have an important role in delivering affordable housing in line with the Council's strategy.

The application has been accompanied by a parking survey indicating that there are sufficient off-street car parking spaces in the immediate area and that the proposed Block A on Argyll Street should qualify for zero car parking due to the car parking survey, type and mix of flats to be built and town centre location. Policy LP TRAN 6 and Appendix C of the local plan allow for a degree of flexibility in such circumstances and this is an approach which has been accepted previously by Members in the Dunoon and Oban areas.

It is considered that the development is consistent with policies LP ENV 1, LP ENV 7, LP ENV 13(a), LP ENV 14, LP ENV 19, LP HOU 1, LP HOU 2, LP SERV 1, LP SERV 2, LP TRAN 3 LP TRAN 4 and LP TRAN 6 of the 'Argyll and Bute Local Plan' (2009). These policies are unaffected by policies contained in the 'Argyll and Bute Council Proposed Local Development Plan'.

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

(R) Reasons why Planning Permission in Principle should be granted

The siting, scale, design and materials of the flatted blocks are considered to be acceptable and consistent with policies LP ENV 1, LP ENV 7, LP ENV 13(a), LP ENV 14, LP ENV 19, LP HOU 1, LP HOU 2, LP SERV 1, LP SERV 2, LP TRAN 3, LP TRAN 4 and LP TRAN 6 of the 'Argyll and Bute Local Plan' (2009). These policies are unaffected by policies contained in the 'Argyll and Bute Council Proposed Local Development Plan'.

This application by an RSL will deliver 100% affordability and the development is to be welcomed as a means of addressing unmet demand for affordable homes locally. The application is recommended for approval subject to the conditions and reasons appended below. Taking account of the above it is recommended that, subject to a pre-determination Hearing, the application be approved.

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

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

Author of Report: Brian Close

Date: 11th April 2014

Reviewing Officer: David Eaglesham

Date: 11th April 2014

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 14/00561/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 4th March 2014 and the approved drawing reference numbers: A(00)L001 Rev A, A(00)L008, A(00)L004 Rev B, A(00)L003 Rev B, 010, A(00)_A_L001 Rev A, A(00)_B_L001 Rev B, A(00)L002 Rev B, A(00)D01, 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 development hereby permitted shall only be implemented by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

3. The drainage scheme as identified on drawing numbers 1821.01 and 07546-01, including the provision of filter trenches and a storm cell attenuation tank, shall be fully implemented prior to any dwelling being first occupied. The drainage system shall include measures to slow down run-off; methods of treatments and its release into the system, existing and proposed drainage of the site and shall provide a temporary surface water drainage system during construction phases; unless prior written consent for variation is obtained in writing from the Planning Authority.

Reason: In order to provide for sustainable development of the site that incorporates the basic principles of Sustainable Urban Drainage Systems identified in 'Planning Advice Note 61' and to protect existing and proposed development from the effects of potential increased surface water run-off.

4. Prior to first occupancy of the 8 flats within Block B hereby approved, 4 parking spaces (each 5.0 x 2.5 metres), as shown on approved drawing no. A(00)L004 Rev B, shall be constructed and made available for use and thereafter shall be retained in perpetuity for the parking of vehicles.

Reason: In the interests of providing off-street car parking provision.

5. The vehicular access to be formed onto Albert Crescent shall be a minimum of 5.5 metres wide with a sealed surface for a minimum of the first 5 metres and the gradient shall not exceed 5% for the first 5.0 metres and the cross fall on the access road and adjacent parking bays shall not exceed 4%.

Reason: In the interests of road safety

6. Visibility splays for the new access onto Albert Crescent shall be 20.0 metres in each direction from a 2.0 metre set-back from the carriageway and shall be maintained clear of all obstructions within these sightlines. These splays shall be cleared of any obstruction to visibility in excess of 1.0m in height before the access point is first brought into use and shall be maintained clear of any boundary wall, fencing or vegetation in excess of 1.0 metre along the boundary of the site abutting Albert Crescent thereafter.

Reason: In the interests of road safety and to maintain acceptable sightlines.

7. Prior to the first occupation of any of the flats hereby approved, the geometry of Albert Crescent shall be realigned and formed in consultation with the Area Roads Manager. *[This aspect will be covered by Road Construction Consent and Road Opening Permit, refer to Advisory Note 7 below].*

Reason: In the interest of traffic and pedestrian safety.

8. Prior to the commencement of any construction works, a detailed landscaping scheme shall be submitted to the Planning Authority for approval. The scheme shall include all landscaping including tree planting, shrub planting, hedges and soft/hard landscaping proposals for the site including all communal areas including details of the management and maintenance regime. The landscaping scheme, as may be approved, shall be fully implemented no later than the first planting and seeding season following the commencement of the development and thereafter shall be maintained for a period of ten years. Any losses of plant species to be included in the landscaping scheme, through disease, weather exposure, neglect or damage, shall be replaced with equivalent species within one growing season.

Reason: In the interest of visual amenity and to help integrate the proposal into its surroundings.

9. Prior to the commencement of any construction works, samples of all external finishes and roof coverings shall be submitted for the written approval of the Planning Authority.

Reason: In the interest of visual amenity and to help integrate the proposal within its surroundings.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order(s) with or without modifications), nothing in Article 2(4) Schedule 1 to that Order, shall operate so as to permit, to any of the flats subject of this permission, any development referred to in Class 4A, of the aforementioned Schedule 1, as summarised below:

Class 4A.—(1) Any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats.

No such development shall be carried out at any time within this Part and these Classes without the express grant of planning permission.

Reason: To protect the sensitivity of the surrounding Special Built Environment Areas and Listed Buildings and to retain the character of the flatted development from unsympathetic alterations and additions normally carried out without planning permission; these normally being permitted under Article 2(4) Part 1ZA Class 4A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.

11. None of the flats within Block B shall be first occupied until the proposed living/kitchen room windows on the south elevation of Flat B5 and B8 as detailed in drawing no. A(00)_B_L001 Rev B have been fitted and installed with obscure glass so as to ensure that there is no visibility from these windows. These windows shall remain fitted with obscure glazing thereafter.

Reason: In order to prevent overlooking of adjacent residential properties at 54 Royal Crescent.

NOTES TO APPLICANT

3. 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).]
4. 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.
5. 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.
6. Should the applicant / developer require information regarding the location of Scottish Water infrastructure they should contact Scottish Water Property Searches Department, Bullion House, Dundee, DD2 5BB, tel. 0845 601 8855. The applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply and public wastewater systems - Planning and Development Services, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB; Customer Connections, Planning and Development, Tel. 0141 414 7660 or at individualconnections@scottishwater.co.uk.
7. The Area Roads Manager has advised that the proposed works to redesign the layout of Albert Crescent which shall be agreed with the Roads Authority will require Road Construction Consent (S21). A Road Opening Permit (S56) will be required for all works on the footway and carriageway. The current Traffic Regulation Order will have to be amended for the new layout on Albert Crescent. The developer to provide street name plates for the scheme.

The applicant is advised to contact the Area Roads Engineer (Paul Farrell, tel. 01369 708613 directly upon these matters.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 14/00561/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the 'Argyll and Bute Local Plan' the application site is located in the Main Town settlement of Dunoon within the Main Town Centre zone, but outwith the Core Shopping Area. The application site lies within the Royal Crescent Special Built Environment Area and immediately adjacent to the Argyll Street Special Built Environment Area. The application site also lies within an area designated Area For Action 'AFA 2/1 Dunoon Town Centre/Waterfront/West Bay' where town centre and environmental enhancement is encouraged. The application site is a prominent gap site and regarded as 'brownfield' due to being previously occupied by St. Cuthbert's Church, which was demolished in 1994.

The application site is located within the Main Town settlement of Dunoon where there is a presumption in favour of residential development (all scales) as identified in the adopted local plan and subject to the provisions of policy STRAT DC 1 of the Structure Plan. Policy STRAT DC 1 of the 'Argyll and Bute Structure Plan' supports development in the main towns serving a wide community of interest. Policy LP ENV 1 of the 'Argyll and Bute Local Plan' sets out general safeguarding criteria for all development.

The principle of housing development is supported by policies STRAT DC 1 and LP HOU 1 which supports residential development on appropriate infill and redevelopment sites within the established settlement area, unless there is an unacceptable environmental, servicing or access impact and provided such developments do not overwhelm existing townscape character and be consistent with all other policies of the Structure and Local Plan. This position is endorsed by policy LP HOU 1 of the Local Plan which is supportive of infill development or redevelopment in existing settlements. The principle of 'medium scale' housing development on this site is considered consistent with the provisions of the Development Plan.

The principle of residential development was previously established by the granting of planning permission in 1997 (ref. 97/00169/DET) for two blocks of flats with a total of 15 flats. The current proposal is broadly similar to that scheme. As the proposal is to erect a residential development on a prominent brownfield site, the proposed development is acceptable in terms of settlement strategy and land use.

The site is also identified as within Area for Action 2/1 which generally encourages town centre development and environmental enhancement. The site has lain vacant since the demolition of St. Cuthbert's Church and was heavily overgrown until a recent clearing of the site. By providing an affordable housing development, the applicant is assisting in addressing the general shortfall of affordable housing in this market area whilst also providing a general environmental improvement to this vacant and prominent gap site.

Accordingly, the proposal would be consistent with policy STRAT DC 1 of the 'Argyll and Bute Structure Plan' and policies LP HOU 1 and LP ENV 1 of the 'Argyll and Bute Local Plan'.

B. Location, Nature and Design of Proposed Development

The application site formerly housed St. Cuthbert's Church, which was demolished in 1994 and has lain vacant since that time. St. Cuthbert's Church occupied a large rectangular footprint in the lower part of the site but set back from Argyll Street, in line with the Burgh Hall. Apart from planning permission for 15 flats in 1997, there has been no development interest in the site.

The application site forms a prominent gap site within the town centre and lies immediately adjacent to and south of Dunoon Burgh Hall. The site is also bounded by Argyll Street and Church Street to the east, Albert Crescent and Royal Crescent to the west, and a flatted dwelling and tenement property to the south. The Burgh Hall is a Category B listed building and has been the subject of recent repair works to bring the building back into active use as a community based arts facility. The application site also lies in close proximity to St. John's Church, a Category A listed building. The site slopes steeply from Royal Crescent eastwards towards Argyll Street with a platform in the central portion then falling steeply to Argyll Street.

The proposal involves the erection of two blocks of flats on two distinct parts of the site. Block A would be erected on the lower part of the site fronting Argyll Street providing 9 flats within a three-storey development. The mix for Block A would be 6 x 1 bed / 2 (person) and 3 x 2 bed (4 person) flats. The flatted block would be rectangular in plan and have a pitched and gabled slated roof. The flatted block would be set back some 9 metres from the toe of the kerb on Argyll Street and, due to topography of the site, have a raised floor level to safeguard privacy for ground floor flats. Amenity spaces are primarily to the rear with raised common amenity areas and communal drying area. The topography of the site in this part requires retaining wall features and these will be built in brick but faced with treated vertical larch boarding to soften the visual impact. The area fronting Argyll Street will be landscaped to create additional public realm which would be integrated with the Burgh Hall proposals. The existing stainless steel bench will be relocated close to the Dunoon Burgh Hall stepped terrace which will be continued in front of the proposed development. No car parking is proposed for Block A and it is to be considered as a 'car-free' town centre development.

Block B would be erected on the higher part of the site fronting Royal Crescent and Albert Crescent and would create 8 flats within a split level two/three-storey development. The mix for Block B would be 6 x 1 bed (2 person) and 2 x 2 bed (4 person) flats. The flatted block would be rectangular in plan and have pitched and gabled slated roofs. Access to the site is proposed via Albert Crescent which has existing parking bays on the western side of the street. These will have to be moved to the eastern side and the new access to the site formed midway on Albert Crescent. Nibs or road markings will provide an element of traffic calming and protection for the new access. A car parking area with four off-street car parking spaces and turning area is proposed to serve the 8 flats.

Three existing trees on the boundaries of the site will be removed. Landscaping is proposed around the flatted blocks but this is indicative at this stage.

A connection is to be made to the public mains and public wastewater systems. Surface water drainage will be via a buried attenuation tank located north of Block A and this will discharge into an existing combined sewer.

Assessment

The general principle of residential development on the site was established by a previous planning permission (ref. 97/00169/DET) for the erection of two blocks of 15 flats which lapsed on 12th May 2002. This permission included a three-storey tenement block facing Argyll Street containing 9 flats and a split-level two-storey flatted development facing Royal Crescent containing 6 cottage flats. The current proposal is broadly similar with an additional 2 units but different mix of 12 x 1 bed and 5 x 2 bed flats compared to the 1997 scheme which provided 15 x 2 bed flats.

The current proposal requires to be assessed against the provisions of Policy LP ENV 19 - Development Setting, Layout and Design of the 'Argyll and Bute Local Plan' where a high standard of appropriate design is expected in accordance with the Council's design principles set out in Appendix A. Development layout and density shall effectively integrate with the urban setting of the development.

Appendix A - Sustainable Siting and Design Principles – 'Design of New Housing in Settlements'

4.1 The location of houses within a settlement is the most critical factor. New development must be compatible with, and consolidate, the existing settlement. Unlike isolated and scattered rural development, the relationship with neighbouring properties will be paramount, as issues such as overlooking and loss of privacy may arise.

4.2 As a general principle all new proposals should be designed taking the following into account:

- Location: new housing must reflect or recreate the traditional settlement pattern or built form and be sympathetic to the setting of landmarks, historical features or views of the local landscape.*

It is considered that the proposed development represents acceptable infill residential development on a prominent brownfield site within a Special Built Environment Area. The site lies close to two major listed buildings and Argyll Street Special Built Environment Area. Previous design concerns have been addressed and the proposed development is considered to comply with Development Plan policies (refer also to Section D below).

- Layout: must reflect local character/patterns and be compatible with neighbouring uses. Ideally the house should have a southerly aspect to maximise energy efficiency.*

The layout of the proposed development is a result of the site topography and settlement pattern. The flatted blocks have been designed to maximise views from the development without impinging on the amenity of surrounding properties. Only the 1-bed flats within Block A have single aspect.

- Design: The scale, shape and proportion of the development should respect or complement the adjacent buildings and the plot density and size. Colour,*

materials and detailing are crucial elements to pick up from surrounding properties to integrate a development within its context.

The design of the flatted blocks is a result of concerns raised to the original scheme. The revised scheme incorporates the use of re-cast stone on principal elevations and traditional features e.g. natural slates, roof skews, vertical fenestration patterns have all helped to integrate the proposed blocks within the traditional townscape. Given the layout of Block A with no windows on the side gables there would be no overlooking or loss of privacy to adjacent properties. Additionally, the siting and scale of Block A would not result in any significant loss of daylight or overshadowing of adjacent properties.

Whilst the siting and scale of Block B would not result in any overshadowing or loss of daylight to the adjacent flatted dwelling on Royal Crescent, the position of habitable room windows on the south elevation could result in a loss of privacy to a kitchen window of the lower flat at 54 Royal Crescent and a condition is attached requiring these windows to be opaque (refer also to Section D below).

- *Access: should be designed to maximise vehicular and pedestrian safety and not compromise the amenity of neighbouring properties.*

The Area Roads Engineer has not objected subject to conditions and advisory notes and conditions are recommended in respect of access design, sightlines and car parking provision. Roads require Construction Consent in respect of the realignment of Albert Crescent (refer also to Section F below).

- *Open Space/Density: all development should have some private open space (ideally a minimum of 100 sq m); semidetached/detached houses (and any extensions) should only occupy a maximum of 33% of their site.*

Given the location and topography of the site, the amount of amenity space provided are considered to offer a minimum standard of amenity, typical of other flatted blocks within the town centre.

- *Services: connection to electricity, telephone and wastewater i.e. drainage schemes will be a factor – particularly if there is a limited capacity.*

Scottish Water does not object in principle. Foul drainage will be connected to the foul sewer with Scottish Water's permission. In terms of Sustainable Urban Drainage System (SUDS) and surface water drainage, the applicant, has submitted a SUDS compliant solution for the disposal of surface water from the site which involves the collection of all surface water run-off via separate surface water pipes into an attenuation tank with additional hydro brake located adjacent to Block A. The agent confirms that main services of gas, water, sewerage and electricity are present within Argyll Street and a gas network connection is proposed which will provide efficient space heating and hot water requirements to individual gas boilers (refer also to Section G below).

Given all of the above, it is considered that any original design or amenity concerns have been addressed and that the proposed development would not have a detrimental impact on the surrounding traditional townscape, consistent with Policies LP ENV19 and LP HOU 1 of the 'Argyll and Bute Local Plan'.

C. Impact on Trees.

The application site was heavily overgrown for many years but was recently cleared to allow for site investigation works to be carried out. Three remaining trees on the site are not protected by a Tree Preservation Order, but there are no objections to their removal given their age and proximity to existing and proposed buildings and replanting proposed.

Local Plan Policy LP ENV 7 presumes against any development which is likely to have an adverse impact on trees and requires compensatory planting where appropriate. The trees to be removed are aged and are not of a quality worthy of a Tree Preservation Order. In these circumstances, their removal is considered acceptable in terms of Policy LP ENV 7 subject to the proposed compensatory tree and shrub planting that is the subject of a condition.

It is considered that compensatory tree and shrub planting will help to integrate the development within its townscape surroundings and the removal of the remaining trees on the site would be acceptable and consistent with Policy LP ENV 7 of the 'Argyll and Bute Local Plan'.

D. Built Environment – Listed Buildings and Special Built Environment Area

The application site occupies a prominent position between Argyll Street to the east and Royal Crescent and Albert Crescent to the west. Argyll Street is characterised by a mix of flatted blocks and tenements with ground floor commercial uses and residential flats or offices above. The position of the site at the top of Church Street is also an important one in terms of longer range views from Alexandra Parade. The most important building on Argyll Street at this location is Dunoon Burgh Hall, a Category B listed building and built in the Scots Baronial style. The Burgh Hall is currently undergoing repairs and renovations to restore it as an arts / civic centre.

The sweep of Royal Crescent contains a variety of Victorian and Edwardian villas and flats with mainly two-storey detached and semi-detached dwellings on the higher western side and a mixture of split-level traditional dwellings and flats on the lower eastern side. Facing the application site from across Victoria Square Gardens is St. John's Church a Category A listed building which, like the Burgh Hall, is a key landmark building in this traditional part of Dunoon Town Centre.

The scheme has been designed and modified to pay full respect to the adjacent listed buildings and other traditional buildings. The only substantive changes from the 1997 scheme are the increase in the number of flats from 15 to 17, a two/three storey development on Royal Crescent instead of a two-storey split-level scheme and the splitting of the site into two distinct components.

The Argyll Street Block A is similar in scale and massing and design to that previously approved in 1997 and the introduction of re-cast stone to the front elevation and improved design articulation will help its integration within the townscape. The issue raised by objectors that Block A is wholly residential and out of context within Argyll Street is a moot point as permission was previously granted for a block of residential flats in the same location and that the site lies outwith the Core Shopping Area which is characterised by ground floor commercial and retail units below flats. In any event, it is considered that the introduction of a residential block of

flats to this part of Argyll Street would have no detrimental impact on either the vitality of the town centre shopping area or on the built environment. The proposed block is considered to respect the scale and design of the Burgh Hall without dominating it or trying to competing with it. Indeed, the proposals to set Block A back from the Argyll Street footway and create additional areas of public realm will actually enhance the setting of the Burgh Hall and fill this prominent gap site that has been vacant for some 14 years.

Block B facing Royal Crescent has been designed to keep the ridge height broadly comparable to the adjacent flatted dwelling at 54 Royal Crescent. The uncomplicated design form is intended to act as an 'end-stop' to the crescent on the lower side and also address the drop in levels down Albert Crescent. The proposed development is broadly similar to that approved in 1997. Viewed from St. John's Church, the massing of Block B would be broken up by the topography of the site and recessed entrance feature finished in stone. Tree planting and shrub planting is also proposed along the Albert Crescent frontage.

Historic Scotland offer no objections in respect of potential impacts on St. Johns Church and given the urban context, consider that there would not be a significant detrimental impact on the setting of the church but question the use of white render on Block B elevations facing St. Johns Church and suggest alternative external materials and sympathetic planting to mitigate the impact of this block on the surrounding area.

Given the above, it is considered that the department does not share the views of the objectors and considers that the proposed development represents acceptable infill development where the proposed flatted blocks are considered to be acceptable in terms of use, scale, massing, design and materials relative to their townscape surroundings, and would not result in an adverse visual impact upon the character of the adjacent listed building or immediate streetscape within the Special Built Environment Area.

Accordingly, the proposal would be consistent with policies STRAT DC9 of the 'Argyll and Bute Structure Plan', and policies LP ENV11, LP ENV 13(a) and LP ENV14 of the 'Argyll and Bute Local Plan'.

E. Affordable Housing

Current policy LP HOU 2 of the 'Argyll and Bute Local Plan' requires a minimum of 25% of the total number of units to be affordable homes although Supplementary Guidance on Delivery of Affordable Housing in the emerging Argyll and Bute Local Development Plan advises that this should not apply to Cowal including Dunoon for a period of two years. However, the applicant is a Registered Social Landlord and therefore the proposal will be 100% affordable housing for rent.

Supporting information suggests that the Local Housing Strategy and Strategic Housing Investment Programme has identified a shortfall of some 300 social rented homes within the Cowal and Dunoon area to deal with the increasing demand for affordable housing, in particular one and two-bed properties. The project aims to provide a range of house types to meet the elderly (amenity housing) and families. Fyne Homes comment that a further 17 newly built affordable rented properties in Dunoon would not impact on their general waiting list but would make a massive difference to specific households who are in desperate need of a move either because they have no permanent accommodation or being financially penalised by virtue of the 'bedroom tax'.

A planning condition is recommended to ensure that the development can only be implemented by a Registered Social Landlord for affordable housing. The proposal would therefore meet the requirements of Policy LP HOU 2 of the 'Argyll and Bute Local Plan'.

F. Road Network, Parking and Associated Transport Matters

The Area Roads Engineer has not objected subject to conditions and advisory notes. Roads comment that the proposed development is located on A885 Argyll Street within Dunoon town centre which is subject to an urban 30mph speed restriction and is one-way northbound. The location of the proposed vehicular access is off U85 Albert Crescent and still within the urban 30mph speed restriction. The block of nine units (3 No. 2 bed and 6 No. 1 bed flats) fronting onto Argyll Street has only pedestrian access with no provision for off-street parking. A parking survey has been carried out by the developer which proves that there is adequate parking either on-street or off-street parking in the immediate surrounding areas. The off-street parking provision is a mixture of Free Parking and Pay and Display car parks. Service access for refuse collection will be by communal bins uplifted from bin storage located to south of the plot.

Policy LP TRAN 6 (including Appendix C: Access and Car Parking Standards) of the 'Argyll and Bute Local Plan' only allows zero car parking for small-scale flatted developments (up to five units for one-bed units) within town centres but does allow a degree of flexibility where it can be shown that parking demand can be met off-site. In this case, Block A has 9 flats, of which 6 are 1-bed units and the remainder 2-bed units. The policy justification allows a degree of flexibility where it can be shown that the car parking requirement can be met by existing car parks and that the demand for car parking in connection with the development will not coincide with the peak demand for other land uses within the area. In addition, to submitting a parking survey which has been accepted by the Roads Engineer, Fyne Homes have confirmed that the future residents of Block A will be advised that no car parking will be provided for this block. This is an approach which Members have previously accepted for town centre flatted developments in both Dunoon and in Oban.

The Roads Engineer also comments that the footway across the frontage onto Argyll Street will be made wider by this development and with the relocation of railings with historic features, interpretation panels and circular seating (recently provided as part of a Town Centre Regeneration Scheme) these will become more accessible to all. The proposed quadrant of steps will finish off the proposed stepped and ramped pedestrian access to the adjacent Burgh Hall, when that is constructed.

Roads also offer additional comments on access design, realignment of Albert Crescent, sightlines and parking provision for Block B.

On the basis of the above, the proposal is considered consistent with Policies LP TRAN 4 and LP TRAN 6 and Appendix C of the 'Argyll and Bute Local Plan'.

G. Infrastructure

The applicant intends to connect to Scottish Water's infrastructure. Scottish Water has confirmed that they do not object in principle to connections to their infrastructure but the applicant will have to discuss technical approval with Scottish Water directly. However, as far as the remit of the planning authority is concerned, the application is consistent with policies LP SERV 1 and LP SERV 4.

In terms of surface water drainage, it is proposed to install a buried attenuation tank adjacent to Block A and discharge all surface water run-off to a combined sewer on Argyll Street. The agent has confirmed that a site investigation has been undertaken previously which has established approximate rock levels. A further site investigation will be required to meet current legislation. There are no records of contamination on the site.

On the basis of the above, the proposal is considered consistent with Policies LP SERV1 and LP SERV 4 of the 'Argyll and Bute Local Plan'.