

**MINUTES of PAN 41 HEARING of HELENSBURGH & LOMOND AREA COMMITTEE held in the
COVE BURGH HALL, KILCREGGAN
on TUESDAY, 15 JANUARY 2008**

Present: Councillor James Robb (Chair)

Councillor Vivien Dance
Councillor George Freeman
Councillor Daniel Kelly
Councillor Andrew Nisbet
Councillor Al Reay

Attending: Deirdre Forsyth, Acting Area Corporate Services Manager
Howard Young, Area Team Leader Development Management
Melissa Stewart, Committee Services Officer
Karen Anderson, Anderson Bell Architects (on behalf of the applicant)
David Hanley, Anderson Bell Architects (on behalf of the applicant)
Tom Ridley-Jones, Chartered Surveyor (on behalf of the applicant)
Campell Divertie, Roads Service Technician (Statutory Consultee)
Rolf Johannessen, Cove & Kilcreggan Community Council
(Statutory Consultee/Objector)
Jennifer Payne, Objector
Isobel Martin, Objector
Ann Bray & Mr Davis, Amenity Society, Objector

Apologies: Councillor David Kinniburgh
Councillor Ellen Morton
Councillor Gary Mulvaney
Provost William Petrie

**1. SHEILA KERR, BILL KERR, FIONA MURPHY: OUTLINE APPLICATION FOR
ERECTION OF 7 DWELLINGHOUSES, FORMATION OF A NEW ACCESS
ROAD, HARD AND SOFT LANDSCAPING: LAND NORTH EAST OF CANON
PARK, ROSNEATH ROAD, KILCREGGAN**

The Chair, Councillor Robb, introduced himself to those present and invited his fellow Councillors to introduce themselves.

Mr Howard Young, Area Team Leader Development Management, spoke on behalf of the report by the Head of Planning. He advised that the application required to be determined in terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 against development plan policies and other material considerations. Under the adopted Local Plan Policy DC3 was applicable. This requires that any new dwellinghouse had to be justified on the basis of locational or occupational need. No such need had been claimed in this case and the proposal was a departure from this policy. However, under the new Draft Local Plan the site was now included within the settlement boundary. No objections had been received to this designation and Policy STRAT DC1 of the Structure Plan supported such development. Consequently, the recommendation was to approve the application as a minor departure from Policy DC3.

Mr Young went on to discuss the terms of 2 letters of representation which were not included in his original report. The first from Mrs Ann Bray on behalf of the

Amenity Society who raised issues regarding visual impact, the importance of traditional features and future “ribbon development”. The second letter was from Tony & Wendy Bryce who considered the proposed development to be a serious departure which would do nothing to enhance the characteristics that exist within the village. They asked that the application be dismissed.

Ms Karen Anderson, Anderson Bell Architects, spoke on behalf of the applicants. She advised that the applicants had owned the land for 60 years and that her company was selective in who they worked for. They had agreed to work with the Kerrs on the basis of their proposals which were consistent with her company’s policies.

Ms Anderson then presented the case for the applicants speaking to the main areas of objection which related to access and road safety. She advised that these issues were addressed early with the Council’s Operational Services Department and that her colleague, David Hanley, would speak to this later in the meeting.

Ms Anderson moved on to discuss design proposals for the development which would be on the basis of a villa approach with large gardens which would fit the contours of the land rather than proposing a Cul de Sac approach in which the land would require to fit the development. She advised that her clients could have proposed a dense development on the plateau but had agreed not to proceed on this basis in light of their desire for the proposal to fit the land.

David Hanley then explained access and road safety issues.

Mr Hanley advised that the company had discussed the proposals with the Roads Service prior to lodging the application and had agreed the proposed access on the basis of extended sightlines of 122m, an additional 2m of surfaced footpath and agreement with Roads to contribute to the cost of extending the existing 30mph zone. He then referred to incoming and outgoing services and confirmed, in his capacity as an engineer, that he was satisfied these could be provided. In terms of sewerage, he advised that the current system would be used and if any problems came to light, his client would resolve these.

Mr Tom Ridley-Jones, Chartered Surveyor, also spoke in support of the applicants. He advised that the Architects had gone to great lengths to minimise visual impact and that this proposal would take away the uncertainty of future land use for the site. He considered that the proposal for 7 houses would help sustain the vigour of the community. On a more general note he considered that the site identified was suitable for this development and that the proposals would make a meaningful contribution.

Mr Campbell Divertie, Technician, Roads and Amenity Services, spoke to confirm that the applicants had made early consultation with his department in order to come up with proposals which were acceptable.

Mr Rolf Johannessen, on behalf of Cove and Kilcreggan Community Council, spoke to the objection lodged by them and the criteria they had adopted which defined community interest. The level they had set was 6 and the petition of 358 signatures was therefore considered to be very significant. He advised that 235 of these names were from the immediate local community who considered the

development to be unneeded housing. He asked the Committee to decline the application.

Mrs Jennifer Payne spoke on behalf of the 358 objectors who had signed the petition and to her own objection. She considered that the proposal would depart from Policy DC3, HOU1, HOU4, HOU11 and STRAT DC1. She spoke regarding Scottish Planning Policy 1 which she considered defined a number of material considerations which were relevant to the terms of the objection.

In terms of National Planning Guidelines she considered that the proposals would intrude on the skyline on the basis of being 1 & 3/4 storey buildings and would not fit with existing properties on the basis the nearest houses were single storey dormers. She felt this contravened Argyll & Bute's Design Guidance as would the proposed zinc roofs.

She spoke regarding Environmental Impact and felt the development would displace many bird species and mammals etc that were currently in occupation of the site.

In terms of access she expressed concern at the proposal to develop an new access road. She considered the B833 to have poor visibility and drainage and had been subject to numerous accidents.

On a final note she took issue with the Planning Officer's recommendation to approve as a minor departure which she felt was based on the fact that there had been no objection to the Argyll & Bute Draft Local Plan during the consultation period and justified the lack of objection on the basis that just because it had been designated as appropriate for a settlement, it didn't give the automatic right to be developed.

Mrs Isabel Martin, independent objector, spoke to the increase in development on the Peninsula. She stated she was increasingly aware of a rise in applications for houses which she considered was affecting the character of the area and was putting Council services under pressure.

She did not consider the lack of objections during consultation on the Local Plan to be a mandate to build and based her objection as being forward thinking for future generations to hold onto this irreplaceable land. She urged the Committee to listen to the community views and strength of feeling and exercise their powers to refuse the application.

Mrs Ann Bray spoke on behalf of the Amenity Society. Their main concern was the proposal to use zinc roofing rather than slate or tiles which she considered would fit better with existing properties. She also had concern about ribbon development and the break from tradition which was to build individual houses rather than developments such as this one.

QUESTION TIME

Members of the Committee were given the opportunity to question the agents, consultees and objectors on their submissions.

Questions raised mainly related to road safety issues and the Planning Policies

which could be applied to this application. It was established that Policy HOU1 could not be applied and that the area was not zoned as being Greenbelt. It was also established that, in this instance, because of the location of the site the Planning Officers considered that zinc roofs were not appropriate and that their preference would be for slate or tiles but that this could be considered at a later stage in the process.

SUMMING UP

Each of the parties to the hearing were given the opportunity to sum up their earlier presentation without adding any new information.

The Chair confirmed with all parties that they had received a fair hearing and the Committee then debated the merits of the case.

DECISION

The Committee unanimously agreed to grant the application as a “minor departure” to the provisions of the Development Plan subject to:-

- (a) The conditions and reasons attached to the report by the Head of Planning dated 19 November 2007; and
- (b) The amendment of Condition 10 to reflect the Committee’s desire that the roofing material be either slate or slate substitute.

(Ref: Report by Head of Planning dated 19 November 2007, submitted)