

**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*



*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*

23 January 2019

**SUPPLEMENTARY PACK 2**

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - COUNCIL**  
**CHAMBERS, KILMORY, LOCHGILPHEAD on WEDNESDAY, 23 JANUARY 2019 at 11:45 AM**

I enclose herewith a supplementary report for **item 6** on the Agenda for the above meeting.

Douglas Hendry  
Executive Director of Customer Services

**SUPPLEMENTARY REPORT**

- 6. ARGYLL AND BUTE COUNCIL: ERECTION OF NEW LEISURE BUILDING INCLUDING SWIMMING POOL, IMPROVED FLOOD DEFENCES, NEW CAR PARK INCLUDING PUBLIC REALM WORKS AND DEMOLITION OF EXISTING SWIMMING POOL: HELENSBURGH SWIMMING POOL, 1B WEST CLYDE STREET, HELENSBURGH (REF: 18/01614/PP)**

Report by Head of Planning, Housing and Regulatory Services (Pages 3 – 6)

**Planning, Protective Services and Licensing Committee**

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Robin Currie	Councillor Mary-Jean Devon
Councillor Lorna Douglas	Councillor Audrey Forrest
Councillor George Freeman	Councillor Graham Hardie
Councillor David Kinniburgh (Chair)	Councillor Donald MacMillan
Councillor Roderick McCuish	Councillor Jean Moffat
Councillor Alastair Redman	Councillor Sandy Taylor
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

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**Argyll and Bute Council  
Development and Infrastructure Services**

**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 2013 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 18/01614/PP

**Planning Hierarchy:** Major Application

**Applicant:** Executive Director Development and Infrastructure Argyll and Bute Council

**Proposal:** Erection of new leisure building including swimming pool, improved flood defences, new car park including public realm works and demolition of existing swimming pool

**Site Address:** Helensburgh Swimming Pool, 1B West Clyde Street, Helensburgh

### **SUPPLEMENTARY REPORT NO. 5**

#### **1.0 INTRODUCTION**

The purpose of this report is to advise Members of additional matters following continuation of the application at PPSL on 19 December 2018. Continuation of the item was requested in order that the Head of Planning, Housing and Regulatory Services could:

- a) Seek further information from the Applicant to ascertain whether altering the location of the building would change the flooding risk factor leading to vulnerability of the building; and*
- b) Seek further advice seeking further reports from the Applicant on the impact of wave overtopping/wave action on the building.*

By letter dated 21.12.18 the applicants have provided further information in respect of such matters. This has been summarised in Supplementary Report No. 4.

Helensburgh Community Council, by Memo dated 10.1.19 have also provided additional submissions in respect of the request by Members for additional clarification of the matters set out at (a) and (b) above. These are set out below.

There have also been further submissions by both parties following a meeting on 16.1.19. These matters are summarised at section 3.0 of this report.

#### **2.0 ADDITIONAL SUBMISSIONS BY HELENSBURGH COMMUNITY COUNCIL (HCC) TO ADDRESS THE REASONS FOR CONTINUING THE APPLICATION**

In respect of the first reason for continuing the application relating to "*whether altering the location of the building would change the flooding risk factor leading to vulnerability of the building*", HCC submits that:

*...moving the building further from the seawall would:*

- *reduce the amount of wave overtopping at the building, and*
- *remove the requirement for the additional 0.5m seawall that was added by the applicant in December as an inelegant and unsustainable response to the issue at a cost of £20,000 (as estimated in a response to a written question to the H&L Area Committee in December 2018).*

The submission also sets out information in respect of the following matters:

*We show that this necessary move of the building away from the seawall mandates that the building be positioned as per the 2012 Masterplan proposal, and that this position has been affirmed by the community. We also include examples from existing leisure centres on Darnton B3's website that demonstrate glare cannot be a deciding issue for the orientation.*

*We conclude by identifying the opportunities that this building location then offers in terms of additional functional (coach parking) and leisure (skatepark, etc) features in a more holistic approach to the site.*

It should be noted that the technical submissions in respect Section 2 relating to wave overtopping do not relate to the amended proposals which have a 5.9 mAOD sea wall but have reverted back to the 5.4 mAOD sea wall in respect of the calculations submitted by HCC.

The submission states;

*We therefore assume that the sea defence has to be reverted to the original proposed 5.4m AOD level.*

This is somewhat surprising as the applicants have formally amended the application to increase the height of the sea wall to 5.9 mAOD to address wave overtopping concerns for the lifetime of the building and therefore undertaking detailed technical analysis of the smaller 5.4 mAOD sea wall is not relevant to the application. It is clearly not for any other party than applicant to amend the detail of the application and revert back to a 5.4 mAOD sea wall.

Section 3 of the submission evaluates alternative locations and orientations. No application for alternative locations or orientations is submitted by the applicant. Only the applicant can determine to amend or alter the application, no other party. It has been made clear that the location and orientation of the building is not proposed to be altered and therefore this section of the Memo is not considered material to the determination of the current application.

Section 4 relates to community views. Commentary in respect of the most recent community consultation exercise has been previously provided in Supplementary Report No. 4. Again however it must be emphasised that it is for the applicant to alter or resubmit a fresh application and it has been made clear to officers that the location of the building is not proposed to be altered. The application therefore requires to be determined as it stands.

Section 5 relates to glare. Commentary on this technical matter has previously been provided by the applicants and therefore it is not considered necessary to provide detailed commentary on this matter.

Section 6 relates to alternative proposals. Importantly, no application for alternative locations or orientations of the leisure building or reconfiguration of the site layout is

submitted by the applicant. Only the applicant can determine to amend or alter the development. It has been made clear by the applicant that the location and orientation of the building is not proposed to be altered and therefore this section of the Memo is not considered material to the determination of the current application, which must be determined on its planning merits.

### **3.0 FURTHER SUBMISSIONS FROM HCC AND THE APPLICANTS ON FLOODING MATTERS FOLLOWING THE MEETING OF 16.01.19**

A meeting between the applicants, their flooding consultants and HCC was held on 16.1.19 in order to seek to provide reassurance to HCC on technical matters relating to flooding and drainage. Following this meeting additional questions and technical Memo's from HCC were submitted on 17.1.18 and 21.1.19 seeking clarification on a number of matters.

The applicants have responded by letter dated 22.1.19 and a number of plans have been amended to provide clarity on the height of the rock armour. This is to confirm that the rock armour element of the sea wall will not exceed 5.4 mAOD and that only the sea wall will extend to 5.9 mAOD.

The Councils flooding advisor has examined the submissions of both parties and has confirmed that the proposals remain acceptable and that flooding and drainage matters can be adequately addressed by the use of appropriate conditions.

He has requested that further details of the surface water drainage arrangements for extreme weather events in the final years of the buildings operational life should be submitted as he is of the opinion that some of the drainage at the southern end of the site between the building and sea wall may require to be larger. To this effect it is proposed to amend condition 11 requiring further surface water drainage details be submitted for approval prior to the commencement of development.

The proposed condition would state:

*11. Prior to development commencing, details of the intended means of surface water drainage to serve the development, and in particular the land adjacent to the sea wall defences, shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The duly approved scheme shall be implemented in full concurrently with the construction of the development and shall be operational prior to the occupation of the development and maintained as such thereafter.*

*Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.*

### **4.0 ADDITIONAL REPRESENTATIONS**

Two additional objections and three additional representations in support of the proposals have been submitted since 19.12.18. No substantive new planning considerations have been raised in these submissions, other than the point set out below.

It has been contended that no other example of a condition requiring a flood management plan has been used, and this in itself indicates that the proposed location of the leisure building is unsuitable. The Councils flooding advisor has confirmed that a similar approach has been used in respect of application 13/02911/PP - Refurbishment and change of use of boat storage/maintenance building, Clock Tower Pier Square Ardrishaig. In this instance the approved Flood Risk Statement contains commitment to such an approach and condition 1 of the permission ensures compliance.

## 5.0 CONCLUSION

All expert consultees have no objections to the proposals subject to the imposition of appropriate conditions. Officers are therefore content that the application is acceptable in respect of flooding and drainage matters. In situations where complex technical submissions are made it is well established custom and practice for Officers to rely on expert consultee advice. In this instance SEPA and the Councils own Flooding Advisor have confirmed that the proposals are acceptable and have raised no objection to the proposals subject to the imposition of appropriate conditions.

Extensive reference to alternative siting and design aspirations from the community council have no materiality to the determination of the current planning application which must be determined on its planning merits based upon the application submitted by the applicant. It is the applicants who define the nature and scope of the planning application before Members for determination, not third party objectors.

In summary, it remains the view of officers that:

- i. The proposal is in accordance with the policies of the adopted LDP.
- ii. The proposal is in accordance with the approved 2012 Masterplan addendum.
- iii. There have been no objections from statutory consultees other than Helensburgh Community Council.
- iv. The proposal fulfils its role as a landmark building on this prominent and important site.
- v. The new leisure facility will provide benefits for the whole community and also tourists and visitors to the town.
- vi. No technical objections are raised on flooding matters which have now been fully addressed using the most up to date climate change information to inform the amended flood defence measures proposed.

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## 6.0 RECOMMENDATION

It is recommended that planning permission be granted subject to the revision to condition 11 detailed within this report.

**Author of Report:** David Moore **Date:** 22.1.2019

**Reviewing Officer:** Peter Bain **Date:** 22.1.2019

**Angus Gilmour**  
**Head of Planning, Housing and Regulatory Services**