

# Public Document Pack

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

Executive Director: Douglas Hendry



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11 November 2021

### **SUPPLEMENTARY PACK 1**

#### **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY MICROSOFT TEAMS on WEDNESDAY, 17 NOVEMBER 2021 at 10:30 AM**

I enclose herewith additional **item 11** which was not included on the Agenda for the above meeting.

Douglas Hendry  
Executive Director

### **ADDITIONAL ITEM**

- 11. MR DAVID MCKERROW: FORMATION OF VEHICULAR ACCESS WITH GATE AND PARKING AREA (PART RETROSPECTIVE): 17 - 19 WEST CLYDE STREET, HELENSBURGH (REF: 21/01297/LIB) (Pages 3 - 12)**

Report by Head of Development and Economic Growth

### **Planning, Protective Services and Licensing Committee**

Councillor Gordon Blair	Councillor Rory Colville (Vice-Chair)
Councillor Mary-Jean Devon	Councillor Audrey Forrest
Councillor George Freeman	Councillor Kieron Green
Councillor Graham Hardie	Councillor David Kinniburgh (Chair)
Councillor Donald MacMillan BEM	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 & Economic Growth**

**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:** 21/01297/LIB  
**Planning Hierarchy:** Local  
**Applicant:** Mr David McKerrow  
**Proposal:** Formation of vehicular access with gate and parking area (part retrospective)  
**Site Address:** 17-19 West Clyde Street, Helensburgh, Argyll And Bute G84 8SQ

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### **DECISION ROUTE**

Local Government Scotland Act 1973 (delete as appropriate)

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#### **(A) THE APPLICATION**

##### **(i) Development Requiring Express Listed Building Consent**

- Formation of vehicle access (retrospective) including removal of a section of boundary wall
- Installation of gate
- Formation of parking area

##### **(ii) Other specified operations**

- None
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#### **(B) RECOMMENDATION:**

Listed Building Consent be granted subject to conditions recommended herein.

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#### **(C) CONSULTATIONS:**

It is considered that the propose development does not give rise to any planning issues requiring consultation.

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#### **(D) HISTORY:**

21/01288/PP – Application for planning permission for the formation of vehicular access with gate and parking area (part retrospective) – Not yet determined – To be determined concurrently with this application for planning permission by elected Members.

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**(E) PUBLICITY:**

Site Notice - Listed Building – Expired 25.08.2021

Listed Building/Conservation Advert – Expired 26.08.2021

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**(F) REPRESENTATIONS:**

**(i) Representations received from:**

None

**(ii) Summary of issues raised:**

Not applicable

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

**(i) Environmental Statement:** No

**(ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No

**(iii) A design or design/access statement:** No

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

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**(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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

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

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

**'Argyll and Bute Local Development Plan' Adopted March 2015**

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

**'Supplementary Guidance to the Argyll and Bute Local Plan 2015' (Adopted March 2016)**

**Historic Environment and Archaeology**

SG LDP ENV 16(a) – Impact on Listed Buildings

(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 3/2013.**

• **Argyll and Bute proposed Local Development Plan 2 (November 2019)**

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The pLDP2 policies and proposals relating to impact upon listed buildings are subject to unresolved objections and as such cannot be afforded any material weight as part of this assessment.

- Scottish Planning Policy
- Historic Environment Policy for Scotland (HEPS) – 5<sup>th</sup> April 2019 – Historic Environment Scotland (HES)
- Managing Change in the Historic Environment – Guidance Notes - HES

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

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

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

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

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**(O) Requirement for a hearing: No**

It is considered that the proposed development is consistent with the relevant national and local planning policy on development impact upon the historic environment as well as all associated guidance. It is considered that there is no policy conflict with the recommendation.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

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

The proposal is for the formation of a parking court area for 5 vehicles within the existing walled rear curtilage of a listed building located within the Helensburgh Conservation Area.

The Category 'C' Listed Building is a 3 storey, traditional stone tenement building fronting onto West Clyde Street. It has 2 no. shops at ground level either side of a central pend with residential accommodation over. The building has double fronted curved bays and some interesting Art Nouveau architectural detailing. Unfortunately the rear elevation has been compromised to an extent by incremental alterations of an unsympathetic nature including the almost wholesale replacement of windows with uPVC frames.

The rear curtilage is bound to either side by outbuildings and by stone walls approximately 1.60- 1.80 metres high. The rear boundary wall separates the application site from an access service road that lead to a car park to the rear of Colquhoun Square. Approximately 3.45 metres of the original stone wall remains along the rear boundary. This is not affected by the proposed development. A large section of the stone wall along the rear boundary has been lost at some stage in the relatively recent past and the lost section replaced by an in-fill section of modern brick wall. An opening of 3.0 metres in length has been cut out of the section of brick wall to form an entrance to the rear yard of the application property from the access road along the rear of Colquhoun Square. This opening will require to be further extended to a width of 3.7m to meet the specifications set out by Roads in relation to the related planning application.

The paving of a grassed yard with pavers will not have a material impact upon the setting of the listed building. The rear yard forms part of a wider area comprising rear yards and infrastructure that traditionally served the commercial premises fronting onto the public realm. As such the character is very much utilitarian and functional typical of backland service areas in contrasts with the ordered formality of the public frontage elevations.

The section of wall that has been removed is a relatively modern brick in-fill and as such it has nominal historic value in terms of building fabric. The formation of a gate measuring 3.7 metres in width within the rear wall of the curtilage of the listed building will retain the enclosed character of its setting. On this basis, the proposed development is considered to be consistent with Policies LDP 3 and SG LDP ENV 16(a).

On this basis, it is recommended that Listed Building Consent be approved subject to a condition requiring the prior approval of the material, colour and type of pavers to be used in order to ensure the preservation of the setting of the listed building.

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

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**(R) Reasons why Planning Permission or Listed Building Consent Should be Granted:**

By reason of scale and nature relative to the architectural and historic qualities of the main listed building, the proposed works will preserve the qualities of the listed building and its setting in accordance with all relevant provisions of the Argyll and Bute Local Development Plan – 2015 and will not give rise to any other material planning issues such as to warrant a departure from these provisions.

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

Not applicable. The proposed development has been assessed as being in accordance with all relevant provisions of the Local Development Plan.

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

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**Author of Report:** Norman Shewan **Date:** 7<sup>th</sup> October 2021

**Reviewing Officer:** Howard Young **Date:** 7<sup>th</sup> October 2021

**Fergus Murray**  
**Head of Development and Economic Growth**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01297/LIB**

1. The works permitted to which this consent relates must be begun within three years from the date of this permission.

Reason: to comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2. Unless otherwise directed by any of the conditions below, the works shall be implemented in accordance with the details specified on the application form dated 18<sup>th</sup> June 2021, supporting information and, the approved drawings listed in the table below.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 3 – 2126/PL-01	-	21.06.2021
Existing Plan & Elevation	2 of 3 – 2126/PL-02	-	21.06.2021
Proposed Plan, Elevation & Gate Details	3 of 3 – 2126/PL-03	-	21.06.2021-

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

3. Prior to the commencement of works (or such other timescale as may be agreed in writing by the planning authority) a full manufacturers specification for the pavers, including details of material, colour and finish, to be used in the surfacing of the parking court have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to preserve the setting of the listed building and the character and appearance of the conservation area.

4. Notwithstanding the provisions of condition 1 above, the width of the gate opening in the boundary wall shall be 3.7m.

Reason: To ensure that the scope of works granted listed building consent include provision to consent an amendment to the submitted details required to provide road safety mitigation measures as specified in the related granted of planning permission ref. 21/01288/PP.

## PLANNING LAND USE AND POLICY ASSESSMENT

### A. Location, Nature and Design of Proposed Development

The application site has an area of approximately 326m<sup>2</sup> and comprises no.s 17-19 West Clyde Street including a walled yard to the rear of the frontage building. No.s 17-19 form part of continuous development fronting directly onto the pavement of West Clyde Street, located within the Core Shopping Area of Helensburgh as identified in the Argyll and Bute Local Development Plan – 2015 (LDP). The site is situated within the Helensburgh Conservation Area.

The frontage building is a Category C listed building. Further details relating to the listing are set out in section E below. An associated application for listed building consent is reported for Members consideration on this agenda.

The property is bound to either side by adjoining properties. It is bound to the rear by an unadopted private service access road with a junction off of the lower section of Colquhoun Street south of Colquhoun Square. This service road gives vehicular access to the rear of the Colquhoun Square premises and terminates in a private car-parking area to the rear of Colquhoun Square.

A 3.04 metre length of brick wall forming the northern boundary of the site with the service road has been removed to form an opening between the site and the adjacent service road. This opening will require to be extended to 3.7m to meet specifications provided by Roads for the minimum access width.

The rear yard of the applications site is currently grassed with several perimeter trees/shrubs.

It is proposed to surface the rear yard area with block pavers and set out 5 no. parking spaces to one side of a manoeuvring aisle. Access from the public adopted road is to be via the service road to the rear of Colquhoun Square.

It is also proposed to install a manually operated sliding steel gate across the entrance to the site off of the adjacent service road.

### B. Development Impact upon the Listed Building.

No.s 17-19 West Clyde Street is Category 'C' listed building by Historic Environment Scotland in recognition of its architectural and historic interest. It is a 3-storey tenement building with double fronted bays with a 'modern' dormer extension to the front roof. The ground floor frontage comprises two shop units with a central pend leading to the rear of the building. The rear elevation is considerably less formal in character with several additive forms extending outwards into the rear yard. Material finishes are cement render and brick. Many of the original windows have previously been replaced with unsympathetic uPVC frames.

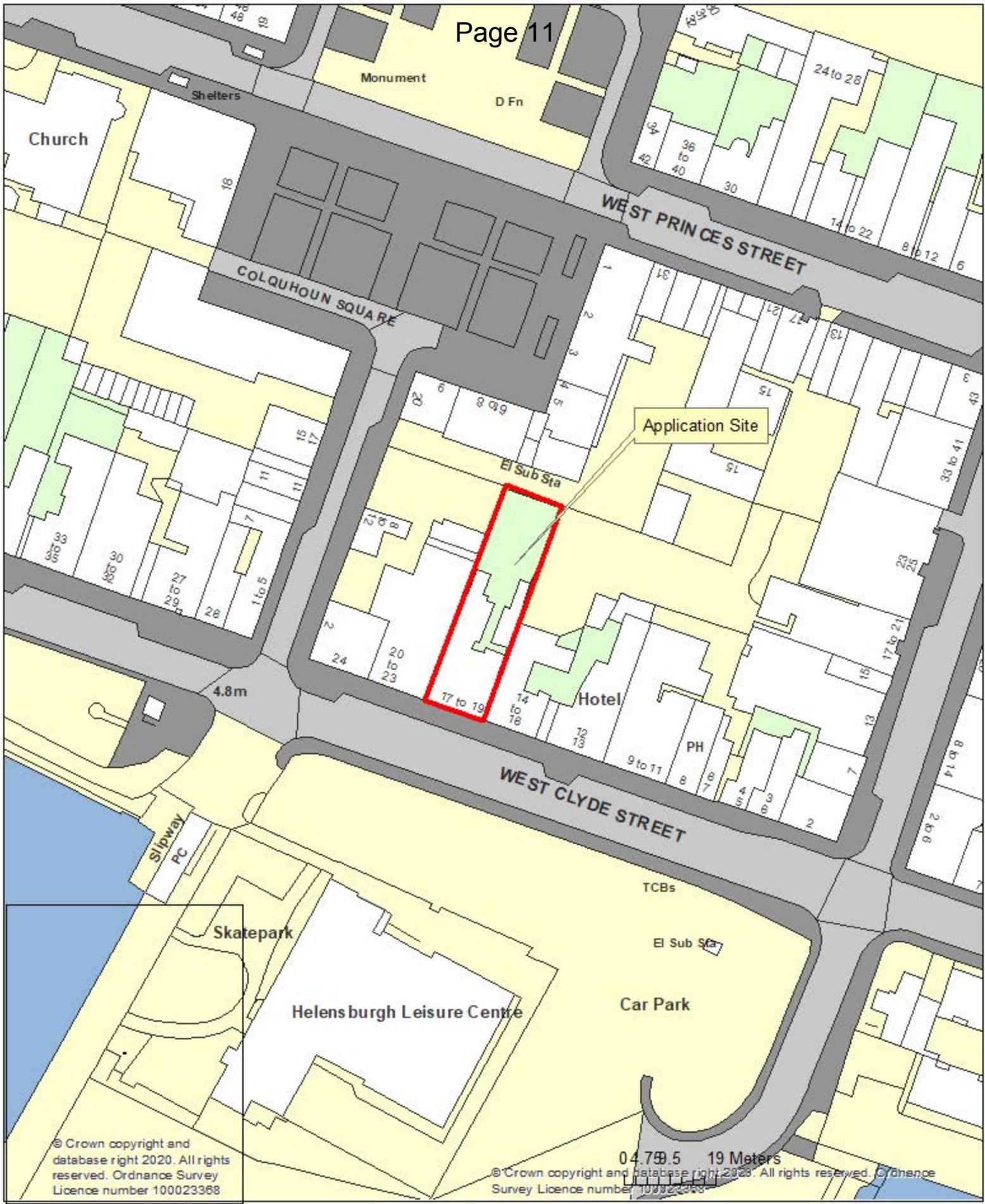
Policies LDP 3 and SG LDP ENV 16(a) generally serve to require that development does not have any detrimental impact upon a listed building or its setting, and any features of special architectural or historic interest that it possesses. SG LDP ENV 16(b) relates to the "*total or substantial*" demolition of listed buildings. Whilst the

perimeter walls of the rear yard are considered to form part of the listed building, the removal of a 3.7 metre section of non-original brick wall does not constitute substantial demolition and as such this policy will not be afforded any material weight in the assessment.

The section of wall that has been removed is within a section of brick wall which has been erected relatively recently to fill a gap in the original stone wall. As such it has no material historic value in relation to the loss of the actual fabric. Boundary enclosures do contribute to the setting of listed buildings however gateways within these boundaries are not uncommon, and the remaining wall either side of the new opening serve to retain the integrity of the walled enclosure to the rear yard.

The replacement of the grassed area with block pavers will not have any material impact upon the setting of the listed building. There is a wide range of ground materials within the local area and the replacement of a relatively small area of grassed drying green with paver of an appropriate design, materiality and colour will not result in a detrimental impact to the setting of the listed building as viewed from the service area to the rear.

It is therefore considered that the propose development will preserve the architectural and historic features of the listed building and the integrity of its setting in accordance with policies LDP ENV 3 and SG LDP ENV 16(a).



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**Planning Application: 21/01297/LIB**



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