

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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17 February 2011

NOTICE OF MEETING

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **PILLAR HALL, VICTORIA HALLS, HELENSBURGH** on **FRIDAY, 25 FEBRUARY 2011** at **10:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MR AND MRS P CAIRNS: ERECTION OF DWELLINGHOUSES AND ASSOCIATED WORKS: GROUND TO THE NORTH OF DEAN HOUSE, EAST ABERCROMBY STREET, HELENSBURGH (REF: 10/01302/PP)**
Report by Head of Planning and Regulatory Services (Pages 1 - 26)

DISCRETIONARY HEARING PROCEDURE NOTE (Pages 27 – 32)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Gordon Chalmers
Councillor Robin Currie
Councillor Mary-Jean Devon
Councillor David Kinniburgh
Councillor Donald MacMillan
Councillor Alister McAlister
Councillor Alex McNaughton
Councillor Al Reay

Councillor Rory Colville
Councillor Vivien Dance
Councillor Daniel Kelly
Councillor Neil Mackay
Councillor Bruce Marshall
Councillor Roderick McCuish
Councillor James McQueen

Contact: Melissa Stewart

Tel. No. 01546 604331

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**Argyll and Bute Council
Development & Regulatory 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 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 10/01302/PP

Planning Hierarchy: Local Application

Applicant: Mr and Mrs P Cairns

Proposal: Erection of dwellinghouse and associated works

Site Address: Ground to the North of Dean House, East Abercromby Street,
Helensburgh

SUPPLEMENTARY REPORT NO 1

1) Additional information

Since the production of the original report, the Council's Conservation Officer has had the opportunity to review the case and has expressed some concerns regarding both the principle of the subdivision of the plot, and the design and scale of the dwelling proposed. She considers that it would be appropriate to continue the application to provide a further opportunity to enter into dialogue between the planning authority and the applicant. As the applicant's agent has indicated that he is out of the country for the time being, it would be appropriate to await his return in order to be able to involve him in such discussions.

2) Recommendation

It is recommended that the application be continued to enable dialogue to be entered into between the Council's conservation officer and the applicant/agent, in order to be able address conservation issues in full prior to the application being considered by Members at a local hearing.

Author of Report: Richard Kerr

Date: 18/01/2011

**Angus Gilmour
Head of Planning**

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Argyll and Bute Council
Development & Regulatory Services

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Helensburgh

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Formation of new vehicular access
- Erection of 1.8 metre fence

(ii) Other specified operations

- Connection to existing public main
 - Connection to existing public sewer
-

(B) RECOMMENDATION:

It is recommended that, subject to a discretionary local hearing, planning permission be granted subject to the conditions and reasons set out overleaf.

(C) HISTORY:

10/00053/PP - Change of use from 2 flats to 1 dwellinghouse including installation of replacement windows and door. (Approved 8 May 2010)

(D) CONSULTATIONS:

Scottish Water 19.08.2010 No objections

Roads Helensburgh and Lomond	08.09.2010	No objections subject to new vehicular access being surfaced
Helensburgh Community Council	01.09.2010	Object as proposed house would not preserve or enhance the character of the Conservation Area

(E) PUBLICITY: Listed Building/Conservation Advert (expiry date 10.09.2010)

(F) REPRESENTATIONS:

Original Plans

A total of 104 representations have been made in response to the plans originally submitted, with 76 objectors and 28 supporters. A list of these is set out in the Appendix at the end of this report.

Objectors

(i) Summary of issues raised

- The house has a floor area of approximately 200 square metres, a frontal width of 17.3 metres and a depth of 10.5 metres. Its height varies from 6.6 to 6.9 metres. Compared with Dean House itself its frontal width will be 85% of the width of the latter, while its roof line will be level with its gutters.

Comment: See my assessment.

- The massing, scale, materials, orientation and overall design are out of keeping with adjoining properties and the surrounding area.

Comment: See my assessment.

- The site is not a natural one for a new house. The position and orientation of it means that it will not get much sunlight. To address this, window glazing has been extended from the ground floor right up to the roof displaying a very modern look and not in keeping with the traditional vernacular. How this protects the character of the Conservation Area is not understood.

Comment: See my assessment.

- Scottish Historic Environment Policy (SHEP) sets out the criteria for the designation of a conservation area. It is, *inter alia*, the character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other. Dean House was one of three villas built in 1868 and it is considered that Dean House, by its inclusion within this trio, satisfies the historic interest provided by this building group. Scottish Planning Policy supports sustainable development. Local Plan Policy LP ENV1 states that development should protect, restore or where possible enhance the established character and local distinctiveness. Policy LP ENV14 presumes against development that does not preserve or enhance the character and appearance of an existing conservation area. The massing,

scale, materials and overall design are out of keeping with adjoining properties and the surrounding area. Therefore, the proposed house is contrary to national guidance, Local Plan policy and the Council's Design Guidance.

Comment: See my assessment.

- The proposed house would dominate adjoining properties, affecting outlook, cutting off morning sun from their gardens and detrimentally impacting on their privacy and amenity.

Comment: The proposed dwelling is 1 ½ storeys and 6.6 metres in height. This is comparable, if not lower, than neighbouring properties. In addition, it is set some 12 metres from the nearest adjoining property and so it is not considered that it will affect outlook or detrimentally impact on daylight/sunlight to adjoining properties.

- The approval of this application would present an undesirable precedent for further similar developments in the Conservation Area.

Comment: Each application received by the Council is assessed on its merits against the policies of the development plan and other material considerations.

- Loss of views.

Comment: This is not a material planning consideration.

- The roads and paths in this area are poor and there are concerns about the ability of drains and sewers to accommodate existing waste waters without overloading them further with new building.

Comment: It is proposed to connect the dwellinghouse to the public water main and sewer. Both the Area Roads Manager and Scottish Water have indicated no objections.

- A previous application for a similar development at 9 East Abercromby Street was refused.

Comment: Each application received by the Council is assessed on its merits against the policies of the development plan and other material considerations. The application for development at number 9 referred to was considered by elected Members but was withdrawn prior to a final decision being taken.

- In terms of the existing streetscape there are a number of examples of development within the curtilage of adjoining properties.

The Mews is a conversion of an existing building.

Hazy View is a new development that pre-dates the Conservation Area.

Fives Court pre-dates the Conservation Area.

Coach House of Auchenaught was originally built in mid 19th century with later additions.

Dhumill pre-dates the Conservation Area.

Dorus a Bhalla was the former stables of the villa at No. 7 and pre-dates the Conservation Area.

Sparrowcroft is the original mews villa of Locksley.

Talgarth coach house was already present and developed before the designation of the conservation area.

Modern house at the furthestmost west end of East Rossdhu Drive pre-dates the conservation area.

No. 52 Charlotte Street at the east end of East Rossdhu Drive pre-dates the conservation area.

A previous application for a similar development at Auchenault 9 East Abercromby Street was considered inappropriate by elected Members.

In conclusion, all the houses within the streetscape were either already present ancillary buildings to the original villas or newly built prior to the designation of the conservation area. No new dwellinghouse has been built since 1994 to date.

Comment: See my assessment.

- No site notice was erected.

Comment: The application was advertised and a site notice erected.

- Concerned about comments in letters from supporters which are inaccurate.

Comment: Each application received by the Council is assessed on its merits against the policies of the development plan and other material considerations. Material considerations include representations where these raise land use related issues.

Supporters

(i) Summary of issues raised

- The proposal is a good example of modern architecture which will not look out of place. Its height is not excessive and it is not, as has been described by objectors, a very large structure. It will support and enhance the character of the conservation area.

Comment: See my assessment.

- The Local Plan does not prohibit infill development and this proposal is more sympathetic than some of the existing infill in the surrounding area.

Comment: See my assessment.

- A house on this plot will not overlook or affect the privacy of adjoining properties.

Comment: See my assessment.

- There is a need for medium sized accommodation in Helensburgh. If we are to maintain the greenbelt then imaginative use of plots within existing gardens needs to be utilised.

Comment: See my assessment.

- Helensburgh is a unique town, but as well as conserving it we must allow it to grow and adapt to the future. Sympathetic new builds must be allowed to ensure the town will continue to flourish.

Comment: See my assessment.

- The applicants have taken on Dean House and have restored it to its original grandeur which has enhanced the Conservation Area. The proposed new build will add to the quality of the existing stock.

Comment: See my assessment.

- Concerned about comments in letters from objectors which are inaccurate and scurrilous.

Comment: Each application received by the Council is assessed on its merits against the policies of the development plan and other material considerations. Material considerations include representations where these raise land use related issues.

Amended Plans

A total of 38 representations have been made in response to amended plans, with 35 objectors and 3 supporters. A list of these is set out in the Appendix at the end of this report.

Objectors

(i) Summary of issues raised

- Having reviewed the original application and the amended version we continue to be of the opinion that the erection of further properties within East Rosdhu Drive would be both detrimental to the locale and against the principles of the conservation status of the area

Comment: See my assessment.

- It is stated that the proposed build has been re-sited by “tucking it further into the north-west corner.” In reality it has been moved closer to the western boundary and the property known as Sparrowcroft. It is now only 2.5 metres from the wall without any movement towards East Rosdhu Drive. The re-siting has achieved little as the dominant nature of the new build over and above Dean House still persists. On the original plans its location 1.5 metres from the back boundary of Dean House would unacceptably dominate the rear garden of this property. With the amendments the distance of 2.5 metres from the west boundary wall would similarly be unacceptable.

Comment: See my assessment.

- The changes to the southern gable have diminished the privacy issues between the new build and Dean House. However, they have only been transferred onto the western facade where there is an overload of fenestration causing privacy issues to arise with Sparrowcroft. On the western facade, previously there were 3 windows with glass door on the ground floor and 2 sky-lights. There are now 5 windows with a glass door and a full length glass window on the ground floor, 1 sky-light and 1 window with triple dormer within the roof. Further, these windows are all of different sizes and design, presenting an incoherent look to this side of the house.

Comment: See my assessment.

- The proposed development will have a detrimental effect on the daylight and sunlight of Sparrowcroft and Upper Locksley

Comment: See my assessment.

- The massing and scale on the original proposal have been criticised and the council has asked for a reduction. The actual amendment consists of a reduction of 0.7 metres in height and 0.9 metres in length. These reductions are negligible and will not reduce the detrimental impact of this proposed house.

Comment: See my assessment.

- The re-positioning towards the boundary wall of Sparrowcroft now raises the issues of overbearing and over-shadowing of the garden area of Sparrowcroft. The applicants' windows from the kitchen and dining area will look directly into the garden of Sparrowcroft affecting amenity and can only be resolved by erecting a high fence which will not preserve or enhance this particular part of the Conservation Area. Instead it will resemble a corral and further inhibit light into the new build as well as Dean House.

Comment: See my assessment.

- The 1919 Ordnance Survey map shows that Dean House never had any ancillary buildings such as stables or a mews within its rear garden. Nearly a hundred years on many changes have occurred but some of the gardens have survived. Dean House along with Bennoch, Loxley and Auchenault, up until recently, were all conversions of upper and lower apartments. These were done in the 1960's and so for the past 50 years the rear gardens have become the front gardens. As such they should be given the same protection as the front gardens of the villas.

Comment: See my assessment.

- The Council's Design Guidance on Urban Infill advises on retaining the character of Helensburgh's spacious suburbs with a presumption against developing in the front gardens of villas.

Comment: See my assessment.

- The amendments made to the design do not provide a house that will fit into this specific niche. Massing, dominance within the streetscape, inadequate daylight to the interior as well as problems of overlooking and overshadowing means that it falls short of the requirement to preserve or enhance the appearance of the Conservation Area. The proposal is contrary to policies LP

ENV1, LP ENV14 and LP ENV19 of the adopted Local Plan.

Comment: See my assessment.

Supporters

(i) Summary of issues raised

- The amendments will help allay objections. The architect has a reputation for designing buildings of a very high standard and the proposed house is smaller than many which have been built on smaller plots in town.

Comment: See my assessment.

- The proposed dwelling is in the form of a coach house which in terms of its scale and position is entirely in keeping with other similarly situated coach houses in the same street.

Comment: See my assessment.

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
- (iv) **Applicants' Supporting Statement**

There is an eclectic mix of architectural styles along East Rosdhu Drive. The original Victorian villas themselves, only the backs of which are visible, vary in style and the original coach houses tend to reflect the styles of the villas with which they were originally associated.

The essential requirements of the new house are that it be purpose designed to suit the applicants' present and future needs, be easily maintained and efficient to run.

It is proposed to site the new house close to the west, northwest boundary of the plot, in keeping with the general pattern of development. By doing so and by designing the layout of the new house along a south, southwest – north, northeast axis, the majority of the rooms in the new house may be situated so as to look out onto an extensive area of garden ground, whilst impacting as little as possible on the rear of Dean House.

Potential for overlooking from and onto adjoining properties really only exists with regard to Dean House and Sparrowcroft. However, the distances between windows in Sparrowcroft and the proposed new house when coupled with the angles between the relative planes of the glazing, means that no potential for overlooking exists.

The form of the building is visually single storey with rooms in the roof. One of these rooms has a dormer window, similar in form to the hayloft at The Fives Court further along the street. We have sought to make this, in conjunction with the entrance doors below and the adjacent glazed wall of the staircase, as a central feature of the design.

Materials have been chosen to compliment their surroundings and have been selected for their quality, durability, low maintenance and sustainability.

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

(H) PLANNING OBLIGATIONS

- (i) **Is a Section 75 agreement required:** No
-

- (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 DC 1 – Development within the Settlements
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment
LP ENV 14 – Conservation Areas and Special Built Environment Areas
LP ENV 19 – Development Setting, Layout and Design
Appendix A – Sustainable Siting and Design Principles

LP HOU 1 – General Housing Development

LP TRAN 6 – Vehicle Parking Provision

Appendix A – Sustainable Siting and Design Principles

- (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 & Bute Sustainable Design Guidance (2006)

Scottish Historic Environment Policy (Historic Scotland 2010)

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

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

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

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

(O) Requirement for a hearing (PAN41 or other): Given the large number of representations, a discretionary local hearing is recommended.

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

Settlement Strategy

The application site is located within the settlement boundary of Helensburgh within the Upper Helensburgh Conservation Area. Within settlement areas, there is a presumption in favour of development subject to all development plan policies being complied with. Due to the location within a designated conservation area, policies of the development plan require that developments should maintain or enhance the character and appearance of conservation areas, in accordance with the statutory duty pertaining to such areas.

Location, Nature and Design of Proposed Development

The application site is located on the south side of East Rosdhu Drive within the curtilage of Dean House in the Upper Helensburgh Conservation Area. Dean House is a traditional, unlisted villa recently granted planning permission for conversion from flats back into a single residence. The site as a whole measures approximately 0.413ha of which the area of the proposed building plot is approximately 0.091ha.

The application site sits within a larger development block running along East Rosdhu Drive from Sinclair Street in the west to Charlotte Street in the east. It is characterised by traditional Victorian villas some of which have associated outbuildings, such as coach houses, which have been converted to dwellinghouses and reflect the styles of the villas with which they were originally associated. At either end of the street are two examples of modern infill which predate the designation of this part of Helensburgh as a conservation area. There is also another modern piece of infill at No. 14. The back gardens of three properties including Dean House have not yet been developed. Given that some of the rear spaces have been infilled, the current proposal requires to be assessed within the context of this larger development block. The outbuildings associated with the existing villas, although incorporating some modern alterations, are largely sympathetic to these properties and the wider conservation area. The modern infill is less successful architecturally but pre-dates the designation of the conservation area. It is considered therefore that building on these spaces, whether as part of the front or rear garden areas of the existing properties, is established and there is no objection in principle to such development.

The Council's 'Sustainable Design Guidance' gives advice on how to approach sustainable urban infill. It offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design.

Original plans plus amended plans have been submitted. Under the original plans, the proposed dwellinghouse is shown to be 1½ storey with a rectangular shaped footprint of approximately 150 square metres. It is of contemporary design incorporating traditional finishes. It is proposed that it would sit gable end on to East Rossthru Drive at right angles to and approximately 11.4 metres from Dean House. An existing access from East Rossthru Drive would service the plot and associated works include a new 2 metre high timber boundary fence and a tarmac parking and turning area. An existing garage on site would be utilised by the proposed dwellinghouse.

In terms of the original plans submitted, due to its massing, scale and location one and a half metres from the back boundary of Dean House, there were concerns that the proposed dwellinghouse would unacceptably dominate the rear garden of this property. Following discussions, the architect, on behalf of the applicants, has submitted an amended design. This has attracted a further 21 letters of objection in addition to the 76 originally lodged. The issue is whether the amendments made overcome the shortcomings of the original submission.

As amended, the proposed house has been reduced in height from 6.7 metres to 6.4 metres and in length from 16.6 metres to 14.3 metres. Overall width has increased from 9.3 metres to 10 metres and its position has been altered to deal with concerns regarding impact on adjoining properties. Previously, it was 4.5 metres from the boundary of Dean House and 4.8 metres from Sparrowcroft. It is now approximately 6.3 metres from Dean House and 2.3 metres from Sparrowcroft. It is a modern design with a mix of finishes and window pattern. The proposed finishes are traditional and the proposed dwellinghouse has a hipped roof, single dormer window, irregular pattern of fenestration and an area of glazed roof and walls on the east/southeast elevation. It is considered that it would not have a detrimental impact on adjoining properties in terms of loss of amenity either in terms of overlooking, loss of privacy or daylight/sunlight. It will complement the existing Victorian architecture and in terms of the Council's Sustainable Design Guidance the building would fit with the suggested approach to urban infill. It is considered that the proposed dwelling would maintain the character and appearance of the conservation area. Although it is very modern in design, it uses traditional materials which help integrate it with the area and the design also uses hints of traditional architecture. While the building would have a different architectural style from surrounding properties, it is acceptable within this part of the conservation area which already has a mix of architectural styles. As such it is considered that it accords with policy and is recommended for approval.

Road Network, Parking and Associated Transport Matters.

The Area Roads Manager has no objections to the proposed access and parking arrangements.

Infrastructure

Scottish Water has no objections to the proposal.

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

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

The proposed finishes are traditional and the proposed dwellinghouse has a hipped roof, single dormer window, irregular pattern of fenestration and an area of glazed roof and walls on the east/southeast elevation. It is considered that it would not have a detrimental impact on adjoining properties in terms of loss of amenity either in terms of overlooking, loss of privacy or daylight/sunlight. It will complement the existing Victorian architecture and in terms of the Council's Sustainable Design Guidance the building would fit with the suggested approach to urban infill. While the building would have a different architectural style from surrounding properties, it is acceptable within this part of the conservation area which already has a mix of architectural styles and in this context would maintain the character and appearance of the conservation area.

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

N/A

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

Author of Report: Howard Young

Date: 30/12/2010

Reviewing Officer: Richard Kerr

Date: 30/12/2010

Angus Gilmour
Head of Planning & Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 10/01302/PP

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

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. The development shall be implemented in accordance with the details specified on the application form dated 30/07/2010 and the approved drawing reference numbers 485/PA1A, 485/PA2A, 485/PA3A, 485/PA4A, 485/PA5A, 485/PA6A and 485/PA7A unless the prior written approval of the planning authority is obtained for other materials/finishes/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.

3. Development shall not begin until samples of materials to be use (on external surfaces of the buildings and/or in constriction of hard standings/walls/fences) have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to integrate the development into its surroundings.

4. No development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, and the provision of a Sustainable Urban Drainage System (SuDS) The scheme shall be prepared in accordance with the advice given in Planning Advice Note 61 (PAN 61) 'Planning and Sustainable Urban Drainage Systems' and the 'SuDS Design Manual' (CIRIA C697). The development shall be implemented in accordance with the duly approved surface water drainage system.

Reason: To ensure that an acceptable scheme of surface water drainage is implemented.

5. Prior to the commencement of development the developer shall submit written evidence to the Planning Authority that an agreement with Scottish Water is in place for the connection of the proposed development to the public water supply (and/or public sewer).

Reason: In the interests of public health and to ensure the availability of an adequate water supply (and/or drainage system) to serve the proposed development.

6. The new vehicle access should be surfaced in a bituminous or other approved material details of which shall be submitted to and approved in writing by the Planning Authority prior to works commencing on site. In addition, the existing drainage ditch along the verge should be maintained in perpetuity at the crossing point.

Reason: In the interests of road safety.

NOTES TO APPLICANT

1. 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.
2. 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.
3. Regard should be had to the enclosed consultation response from Scottish Water dated 19/08/2010.

It should be noted that the Planning Authority views this to be a 'no objection' response to the development proposal at the time of the consultation. It does not however guarantee that a connection will necessarily still be available at the time when it is proposed to implement this consent. In advance of development being commenced, direct contact should be made with Scottish Water to ascertain whether sufficient capacity still remains at that time in order to be able to secure a connection to the public water supply (and/or public sewer). Confirmation of the availability of a connection should be forwarded to the Planning Authority in order to satisfy the requirements of the condition above.

It should be noted that in the event that Scottish Water refuses a connection to the public water supply (and/or public sewer), the provision of an alternative private water supply (and or private foul drainage system) would be considered a material amendment to the approved details, and would require to be the subject of a further application for planning permission.

**LIST OF OBJECTORS AND SUPPORTERS (ORIGINAL PLANS) FOR APPLICATION
10/01302/PP**

Objectors

Professor Richard Rose	1 East Abercromby Street Helensburgh G84 7SP	27/08/2010	O
Gordon McConnell	109 West King Street Helensburgh Dunbartonshire G84 8DQ	30/08/2010	O
Gordon McConnell	109 West King Street Helensburgh G84 8DQ	06/09/2010	O
Mr And Mrs A Malatesta	110 West Clyde Street Helensburgh G84 8ER	20/08/2010	O
Kathleen Siddle	12 Duchess Park Helensburgh G84 9PY	15/09/2010	O
Mr J Bliss	15 Albert Drive Helensburgh Argyll And Bute G84 7HF	06/09/2010	O
Mrs A Bliss	15 Albert Drive Helensburgh Argyll And Bute G84 7HF	06/09/2010	O
Colin And Jean Hope	15 Chapleacre Grove Helensburgh G84 7SH	02/09/2010	O
Robert Greenlees	2 Chapleacre Grove Helensburgh Argyll And Bute G84 7SH	06/09/2010	O
Mr Tony Greer	20 Henry Bell Street Helensburgh Argyll And Bute G84 7RF	10/09/2010	O
Angela Campbell	221A East Clyde Street Helensburgh G84 7AU	09/09/2010	O
Bill Bain	26 Dennistoun Crescent Helensburgh Argyll And Bute G84 7JE	10/09/2010	O
K I Hunter	27 Crawford Drive Helensburgh G84 9DL	02/09/2010	O
Mrs June W T Carlisle	28 Butt Avenue Helensburgh G84 9DA	06/09/2010	O
Mr R M Wilson	29 Crawford Drive Helensburgh G84 9DL	09/09/2010	O
R Michael Linzee-Gordon	4 Carmichael Gardens Dundee DD3 6LX	06/09/2010	O
Frances S Mascarenhes	4 Cumberland Avenue Helensburgh Argyll And Bute G84 8QF	10/09/2010	O
V McKerrow	4 East Abercromby Street Helensburgh G84	02/09/2010	O

Walter Cameron	4 Kidston Drive Helensburgh G84 8QA	02/09/2010	O
Mrs C McDonald	42 George Street Helensburgh G84 7EU	01/09/2010	O
Anna M Stewart	48 Buchanan Street Mingavie G62 8AP	02/09/2010	O
Iain H Anderson	5 Duchess Park Helensburgh G84 9PY	13/09/2010	O
Marie Therese Docherty	63 Bellsmyre Avenue Dumbarton G82 3AY	09/09/2010	O
Miss L Trainer	64 Glencairn Road Brucehill Dumbarton G82 4DP	02/09/2010	O
Ian Paton	7 Machrie Drive Helensburgh G84 9EJ	06/09/2010	O
I Hulme	7 NeterhBog Road Dumbarton	10/09/2010	O
Simon Riddler	70 Campbell Street Helensburgh G84 9QW	09/09/2010	O
Dr A L Green	8 Albert Drive Helensburgh G84 7HF	09/09/2010	O
E Grath	8 Buchanan Road Helensburgh G84	06/09/2010	O
Mrs A Chalmers	8 Dixon Drive Dumbarton G82 4AR	06/09/2010	O
Wallace Mitchell	9 Giels Avenue Dumbarton	14/09/2010	O
Mr David Carswell	East Dunbartonshire 9 Waters Edge Cottage Rhu	16/09/2010	O
S Tuich	Argyll And Bute 9 West Rossthdu Drive Helensburgh G84 9LW	16/09/2010	O
Dr And Mrs Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	18/08/2010	O
Dr And Mrs P Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	10/09/2010	O
Thomas Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	06/09/2010	O
Varsha Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	16/09/2010	O
Rosemary Rose	Bennochty Helensburgh G84 7SP	27/08/2010	O
Dr Dorothy Jane Connolly	Dana Cottage, Station Road, Cardross G825NW	05/09/2010	O
William Connolly	Dana Cottage, Station Road, Cardross G825NW	05/09/2010	O

Mr D And Mrs JK Curtis	Dhumil 14 East Rossdhu Drive Helensburgh G84 7ST	26/08/2010	O
Phillip Evans	Dorus A Bhalla 7 East Rossdhu Drive Helensburgh G84 7ST	26/08/2010	O
Miss C Boyd	Flat 3/2 2 Cornmill Court Duntocher G82 6BF	02/09/2010	O
Mr B Bennett	Flat1/1 1 Abercromby Street East Helensburgh G84 7SP	10/09/2010	O
Mrs C.J. Hood	Gowanlea 39 Charlotte Street Helensburgh G84 7SE	20/08/2010	O
Mrs G E Barway	Haspland Cottage East Rossdhu Drive Helensburgh G84 7SS	02/09/2010	O
Gill Aitkenhead	Hayview 49 Charlotte Street Helensburgh G84 7SE	02/09/2010	O
Kathleen Siddle	Helensburgh Community Council 12 Duchess Park Helensburgh G84 9PY	02/09/2010	O
Mr A.P. O'Connor	Hilltoun Glenoran Road Helensburgh G84 8JU	13/09/2010	O
Leslie R Cox	Hugh Connolly Sally Connolly Locksley 3 East Abercromby Street Helensburgh	21/09/2010	O
Leslie R Cox	Locksley 3 East Abercromby Street Helensburgh G84 7SP	06/09/2010	O
Leslie R Cox	Locksley 3 East Abercromby Street Helensburgh G84 7SP	10/09/2010	O
Leslie Cox	Locksley 3 East Abercromby Street Helensburgh G84 7SP	18/08/2010	O
David Dow	Minard Cottage School Road Rhu G84 8RS	14/09/2010	O
Mrs MacGillivray	Pinelea 7 East Montrose Street Helensburgh Argyll And Bute	06/09/2010	O
Mr And Mrs G.C Arneil	G84 7ER Shoreland 150 East Clyde Street Helensburgh G84 7AX	13/09/2010	O

David E Witton	Somerled 112A Sinclair Street Helensburgh G84 9QF	09/09/2010	O
Hugh Connolly	Sparrowcroft East Rossdhu Drive Helensburgh G84 7ST	09/09/2010	O
Mrs S Connolly	Sparrowcroft East Rossdhu Drive Helensburgh G84 7ST	09/09/2010	O
Stuart Connolly	Sparrowcroft East Rossdhu Drive Helensburgh G84 7ST	09/09/2010	O
Barbara Gillis	Strathdon 13 East Montrose Street Helensburgh G84 7ER	10/09/2010	O
A S Morris	The Old Manse Shandon Helensburgh	06/09/2010	O
Anna Rogers	Upper Locksley 3 East Rossdhu Drive Helensburgh G84 7ST	13/09/2010	O
Anna Rogers	Upper Locksley 3 East Rossdhu Drive Helensburgh G84 7ST	13/09/2010	O
Mr M Riddler	Upper Locksley 3 East Rossdhu Drive Helensburgh G84 7ST	06/09/2010	O
Mrs S Riddler	Upper Locksley 3 East Rossdhu Drive Helensburgh G84 7ST	06/09/2010	O
Sylvia Riddler	Upper Locksley 3 East Rossdhu Drive Helensburgh G84 7ST	18/08/2010	O
Mrs A Bliss	15 Albert Drive Helensburgh G84 7HF	23/09/2010	

Supporters

Margaret Riordan	1 East Rossdhu Drive Helensburgh Argyll And Bute G84 7ST	09/09/2010	S
Michael Riordan	1 East Rossdhu Drive Helensburgh Argyll And Bute G84 7ST	06/09/2010	S
Andrew Bain	1 Stafford Street Helensburgh Argyll And Bute G84 9HU	06/09/2010	S

Dorothy McGhie	16 Scott Street Largs KA30 9NU	09/09/2010	S
Susan Russell	16 West Abercromby Street Helensburgh Argyll And Bute G84 9LH	07/09/2010	S
Dr A and Mr C Foy	2 John Street Lane Helensburgh Argyll And Bute G84 9NA	07/09/2010	S
Mrs Iris Torbet	21 Elm Court 97 Mail Street Milngavie Glasgow G62 6JQ	07/09/2010	S
Gordon Young	21 Glasgow Street Helensburgh Argyll And Bute G84 8DA	09/09/2010	S
Mr & Mrs C Jamieson	22 East Lennox Drive Helensburgh Argyll And Bute G84 9JD	07/09/2010	S
Mr Christopher Bull	23 Charlotte Street Helensburgh Argyll And Bute G84 7EZ	05/09/2010	S
Donald And Christine Brodie	23 Glasgow Street Helensburgh G84 8YH	10/09/2010	S
Mr Simon Etchells	3 Upper Sutherland Crescent Helensburgh Argyll And Bute G84 9PQ	06/09/2010	S
Mrs Helen Etchells	3 Upper Sutherland Crescent Helensburgh Argyll And Bute G84 9PQ	06/09/2010	S
Dr And Mrs B D Calder	34 Queen Street Helensburgh G84 9QL	09/09/2010	S
Alison King	36 Charlotte Street Helensburgh Argyll And Bute G84 7HA	07/09/2010	S
Arthur Roberts	50 Glasgow Street Helensburgh G84 8YH	10/09/2010	S
Alastair and Michelle Woodburn	55 John Street Helensburgh Argyll And Bute G84 9LZ	07/09/2010	S

Jean Murdoch	59 John Street Helensburgh G84 9JY	05/09/2010	S
Mrs Maureen Pickett	6 Glenan Gardens West Argyle Street Helensburgh Argyll And Bute G84 8XT	09/09/2010	S
Lorna Maclean	6 Hillview Drive Helensburgh Argyll And Bute G84 9BW	06/09/2010	S
	6 West Abercromby Street Helensburgh Argyll And Bute	03/09/2010	S
Donald McLaren	G84 9LJ 87 James Street Helensburgh Argyll And Bute G84 9LE	05/09/2010	S
Kandy Muggoch	Artarman House Artarman Road Rhu Helensburgh Argyll And Bute G84 8LQ	03/09/2010	S
Chicbour	Chicbour@aol.com	09/09/2010	S
Colonel D W Ronald	Dorrator 9 East Rossdhu Drive Helensburgh G84 7ST	10/09/2010	S
Robert Doherty	Flat 1 Rockmount 108 Sinclair Street Helensburgh G84 9QE	10/09/2010	S
Mrs Mairi S Rosie	Greenacre 35A Charlotte Street Helensburgh G84 7SE	09/09/2010	S
Mrs Jill C A Braid	Ortona 41 Charlotte Street Helensburgh G84 7SE	16/09/2010	S

Representation

S Stewart	S_stewart97@yahoo.co.uk	15/09/2010	R
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**LIST OF OBJECTORS AND SUPPORTERS (AMENDED PLANS) FOR APPLICATION
10/01302/PP**

Objectors

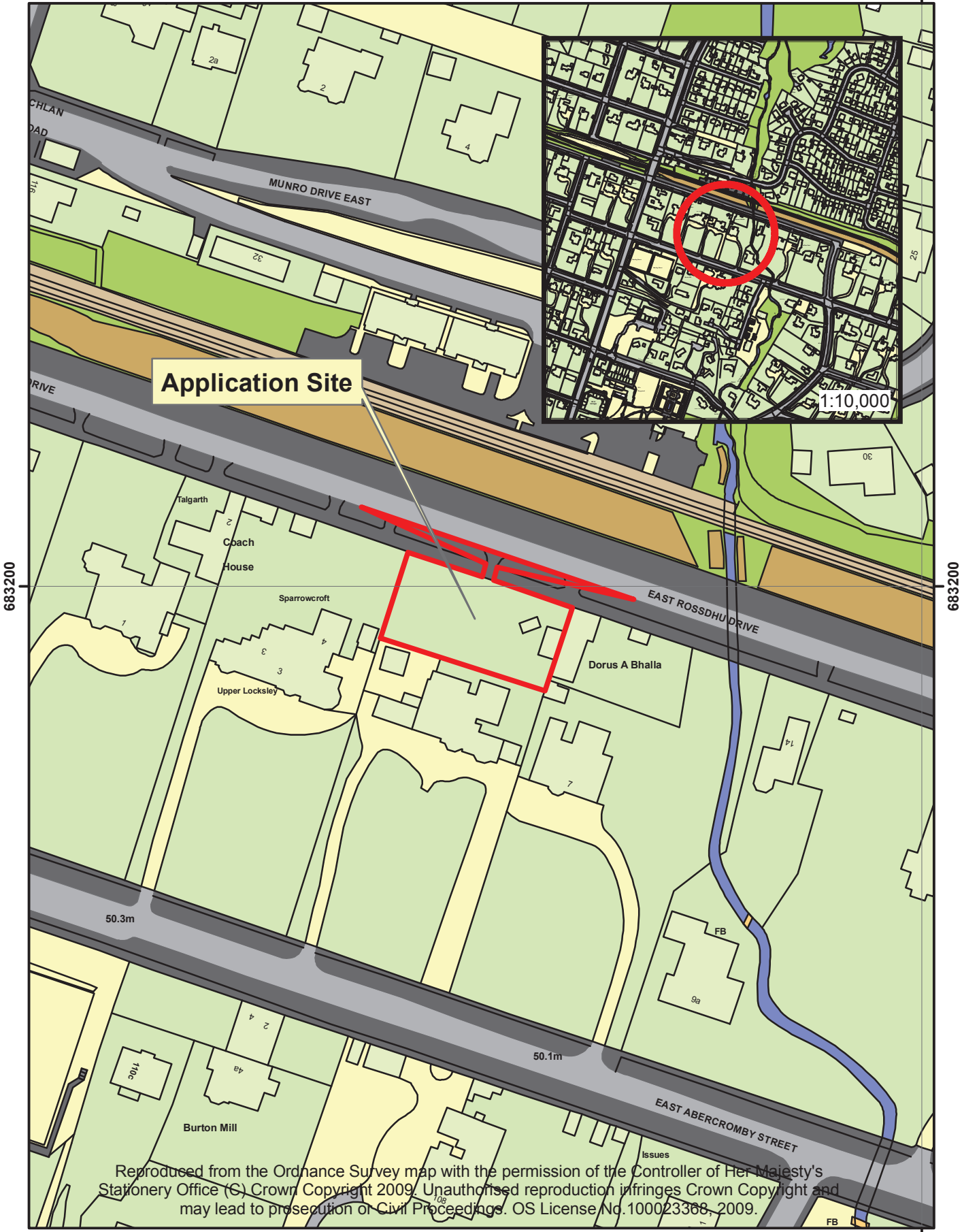
Mr G Malatesta	110 West Clyde Street Helensburgh G84 8ER	24//2010	O
Mr and Mrs J H Bevan	e-mail no address given	30/11/2010	O
Mrs C.J. Hood	Gowanlea 39 Charlotte Street Helensburgh G84 7SE	27/11/2010	O
R Michael Linzee-Gordon	4 Carmichael Gardens Dundee DD3 6LX	26/11/2010	O
Simon Riddler	70 Campbell Street Helensburgh G84 9QW	20/11/2010	O
Dr Philip Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	27/11/2010	O
Mrs P Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	27/11/2010	O
Tom Linzee-Gordon	Auchenault 9 East Abercromby Street Helensburgh G84 7SP	27/11/2010	O
William Connolly	Dana Cottage, Station Road, Cardross G825NW	01/12/2010	O
Mr D And Mrs JK Curtis	Dhumil 14 East Rossdhu Drive Helensburgh G84 7ST	29/11/2010	O
Phillip Evans	Dorus A Bhalla 7 East Rossdhu Drive Helensburgh G84 7ST	26/08/2010	O
Leslie R Cox	Locksley 3 East Abercrombty Street Helensburgh G84 7SP	29/11/2010	O

Prof And Mrs G.C Arneil	Shoreland 150 East Clyde Street Helensburgh G84 7AX	13/09/2010	O
Hugh Connolly	Sparrowcroft East Rossdhu Drive Helensburgh G84 7ST	29/11/2010	O
Mrs S Connolly	Sparrowcroft East Rossdhu Drive Helensburgh G84 7ST	28/11/2010	O
Stuart Connolly	Sparrowcroft East Rossdhu Drive Helensburgh G84 7ST	30/11/2010	O
Mr S Riddler	70 Campbell Street Helensburgh G84 7ST	20/11/2010	O
Sylvia Riddler	Upper Locksley 3 East Rossdhu Drive Helensburgh G84 7ST	27/11/2010	O
Mrs A Bliss	15 Albert Drive Helensburgh G84 7HF	29/11/2010	O
E Garth	8 Buchanan Road Helensburgh G84	24/11/2010	O
V McKernon	4 East Abercromby Street Helensburgh G84 7SP	27/11/2010	O
Gordon McConnell	109 West King Street Helensburgh Dunbartonshire G84 8DQ	30/11/2010	O
Angela Campbell	221A East Clyde Street Helensburgh G84 7AU	30/11/2010	O
Professor and Mrs Richard Rose	1 East Abercromby Street Helensburgh G84 7SP	27/11/2010	O
Mrs A Chalmers	8 Dixon Drive	30/11/2010	O

	Dumbarton G82 4AR		
Miss C Boyd	Flat 3/2 2 Cornmill Court Duntocher G82 6BF	30/11/2010	O
Mr And Mrs A Malatesta	110 West Clyde Street Helensburgh G84 8ER	24/11/2010	O
Marie Therese Docherty	63 Bellsmyre Avenue Dumbarton G82 3AY	30/11/2010	O
Mr B Bennett	Flat1/1 1 Abercromby Street East Helensburgh G84 7SP	29/11/2010	O
Mrs C McDonald	48 George Street Helensburgh G84 7EU	30/11/2010	O
Anna M Stewart	48 Buchanan Street Mingavie G62 8AP	30/11/2010	O
G Cameron	48 Dennistoun Crescent Helensburgh G84 7JE	30/11/2010	O
Dr Al Green	8 Albert Drive Helensburgh G84 7HF	23/11/2010	O
Mrs C McLean	62 cairngorm Crescent Paisley PA2 8AN	01129/2010	O

Supporters

Jean L Murdoch	59 John Street Helensburgh	17/11/2010	S
GS Dunwoody	62 Cairngorm Crescent Paisley PA2 8AN	28/11/2010	S
Gordon Young	21 Glasgow Street Helensburgh G84 8DA	22/11/2010	S



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**Location Plan relative to
Application Ref: 10/01302/PP**

Date: 19.01.2011

Scale: 1:1,250



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ARGYLL AND BUTE COUNCIL

PROCEDURE NOTE FOR USE AT

- | | |
|--|--------------------------|
| (1) Statutory Pre Determination Hearing | <input type="checkbox"/> |
| (2) Pan 41 Hearing | <input type="checkbox"/> |
| (3) Council Interest Application | <input type="checkbox"/> |
| (4) Discretionary Hearing | x |

HELD BY THE PLANNING, PROTECTIVE SERVICES & LICENSING COMMITTEE

1. The Director of Customer Services will notify the applicant, all representees and objectors of the Council's decision to hold a Hearing and to indicate the date on which the hearing will take place. The hearing will proceed on that day, unless the Council otherwise decides, whether or not some or all of the parties are represented or not. Statutory consultees (including Community Councils) will be invited to attend the meeting to provide an oral presentation on their written submissions to the Committee, if they so wish.
2. The Director of Customer Services will give a minimum of 7 days notice of the date, time and venue for the proposed Hearing to all parties.
3. The hearing will proceed in the following order and as follows.
4. The Chair will introduce the Members of the Panel, ascertain the parties present who wish to speak and outline the procedure which will be followed.
5. The Director of Development and Infrastructure's representative will present their report and recommendations to the Committee on how the matter should be disposed of.
6. The applicant will be given an opportunity to present their case for approval of the proposal and may include in their submission any relevant points made by representees supporting the application or in relation to points contained in the written representations of objectors.
7. The consultees, supporters and objectors in that order (see notes 1 and 2), will be given the opportunity to state their case to the Council.
8. All parties to the proceedings will be given a period of time to state their case (see note 3). In exceptional circumstances and on good case shown the Panel may extend the time for a presentation by any of the parties at their sole discretion.

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9. Members of the Panel only will have the opportunity to put questions to the Director of Development and Infrastructure's representative, the applicant, the consultees, the supporters and the objectors in that order.
10. At the conclusion of the question session the Director of Development and Infrastructure's representative, the applicant, any consultees present, the supporters and the objectors (in that order) will each be given an opportunity to comment on any particular information given by any other party after they had made their original submission and sum up their case.
11. The Chair will ascertain from the parties present that they have had a reasonable opportunity to state their case.
12. The Panel will then debate the merits of the application and will reach a decision on it. No new information can be introduced at this stage.
13. The Chair or the Committee Services Officer on his/her behalf will announce the decision.
14. A summary of the proceedings will be recorded by the Committee Services Officer.
15. If at any stage it appears to the Chair that any of the parties is speaking for an excessive length of time he will be entitled to invite them to conclude their presentation forthwith.

NOTE

- (1) Objectors who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all objectors.
- (2) Supporters who intend to be present and speak at a hearing are encouraged to appoint one or a small number of spokespersons to present their views to concentrate on the matters of main concern to them and to avoid repetition. To assist this process the Council will provide a full list of the names and addresses of all supporters.
- (3) Councillors (other than those on the Panel) who have made written representations and who wish to speak at the hearing will do so under category (1) or (2) above according to their representations but will be heard by the Panel individually.
- (4) Recognising the level of representation the following time periods have been allocated to the parties involved in the Hearing.

Ref: ABH1/2009

The Director of Development Services' representative – not more than half an hour

The Applicant - not more than half an hour.

The Consultees - not more than half an hour.

The Supporters - not more than half an hour.

The Objectors - not more than half an hour.

- (4) The purpose of the meeting is to ensure that all relevant information is before the Panel and this is best achieved when people with similar views co-operate in making their submissions.
- (5) Everyone properly qualified as a representee recorded on the application report who wishes to be given an opportunity to speak will be given such opportunity.
- (6) The Council has developed guidance for Councillors on the need to compose a competent motion if they consider that they do not support the recommendation from the Director of Development and Infrastructure which is attached hereto.

I:data/typing/planning/procedure note

COMPETENT MOTIONS

- Why is there a need for a competent motion?
 - Need to avoid challenge by “third party” to local authority decision which may result in award of expenses and/or decision being overturned.
 - Challenges may arise from: judicial review, planning appeal, ombudsman (maladministration) referral. All appeal/review processes have rights to award expenses against unreasonable/unlawful behaviour.
- Member/Officer protocol for agreeing competent motion:
 - The process that should be followed should Members be minded to go against an officer’s recommendation is set out below.
- The key elements involved in formulating a competent motion:
 - It is preferable to have discussed the component parts of a competent motion with the relevant Member in advance of the Committee (role of professional officers). This does not mean that a Member has prejudged the matter but rather will reflect discussions on whether opinions contrary to that of professional officers have a sound basis as material planning considerations.
 - A motion should relate to material considerations only.
 - A motion must address the issue as to whether proposals are considered consistent with Adopted Policy or justified as a departure to the Development Plan. Departure must be determined as being major or minor.
 - If a motion for approval is on the basis of being consistent with policy reasoned justification for considering why it is consistent with policy contrary to the Head of Planning’s recommendation must be clearly stated and minuted.
 - If a motion for approval is on the basis of a departure reasoned justification for that departure must be clearly stated and minuted. Consideration should be given to holding a PAN 41 Hearing (determined by policy grounds for objection, how up to date development plan policies are, volume and strength of representation/contention)
 - A motion should also address planning conditions and the need for a Section 75 Agreement.
 - Advice from the Scottish Government on what are material planning considerations is attached herewith. However, interested parties should always seek their own advice on matters relating to legal or planning considerations as the Council cannot be held liable for any error or omission in the said guidance.

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - A proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance

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- Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - A National Park Plan
 - The National Waste Management Plan
 - Community plans
 - The Environmental impact of the proposal
 - The design of the proposed development and its relationship to its surroundings
 - Access, provision of infrastructure and planning history of the site
 - Views of statutory and other consultees
 - Legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.