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## MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE held in the PILLAR HALL, VICTORIA HALLS, HELENSBURGH on MONDAY, 10 OCTOBER 2011

**Present:** Councillor Daniel Kelly (Chair)

|                             |                             |
|-----------------------------|-----------------------------|
| Councillor Rory Colville    | Councillor Neil Mackay      |
| Councillor Gordon Chalmers  | Councillor Donald MacMillan |
| Councillor Vivien Dance     | Councillor Roderick McCuish |
| Councillor Mary-Jean Devon  | Councillor James McQueen    |
| Councillor David Kinniburgh | Councillor Al Reay          |
| Councillor Bruce Marshall   |                             |

**Also Present:** Charles Reppke – Head of Governance and Law  
Belinda Ruthven – Area Governance Assistant  
Howard Young – Area Team Leader, Development Management  
Stephen Black – Jones Lang LaSalle – Applicant’s Representative  
Lawrence Hill – Architect for Applicant  
Tony Dance – Applicant’s Representative  
Kathleen Siddle – Helensburgh Community Council - Statutory Consultee  
David McKell – Supporter  
Gary Mulvaney – Supporter  
Colin Gardiner – Supporter  
Catriona Malan – Objector  
Rosemary Stevenson - Objector

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from :-

Councillor Robin Currie  
Councillor Alister McAliser  
Councillor Alex McNaughton  
Marina Curran-Colthard – Local Biodiversity Officer

### 2. DECLARATIONS OF INTEREST

Councillor Vivien Dance declared a financial interest in relation to Planning Application Reference (11/00887/PP) on the basis that she was the Co Director of a Company which provides consultancy services to the applicant. She left the room during discussion of the item and accordingly took no part in the decision making process.

Councillor David Kinniburgh declared a non-financial interest in relation to Planning Application Reference (11/00887/PP) on the basis that he had previously indicated his support for the application. He left the room during discussion of the item and accordingly took no part in the decision making process.

It was also noted that neither Councillor Dance or Councillor Kinniburgh had

attended the site visit which had taken place prior to the meeting.

**3. OSBORNE INTERIORS LTD: ERECTION OF 3 DWELLINGHOUSES: LAND BETWEEN 19 TO 37 CUMBERLAND AVENUE, HELENSBURGH (REF: 11/00887/PP)**

The Chair welcomed everyone to the meeting and general introductions were made.

Charles Reppke, Head of Governance and Law outlined the hearing procedure that would follow and the Chair invited anyone who wished to speak at the meeting to identify themselves.

**Planning Officer**

Howard Young, Area Team Leader, gave a brief outline of the application which was for the erection of three dwellinghouses and provided a short history of the application informing that this site had been the subject of three previous refusals of planning permission for residential development. The key material reasons for refusal of those first two applications had been the presence of trees on the application site. The site was also subsequently designated an Open Space Protection Area (OSPA). Mr Young provided a PowerPoint presentation showing the application site in the wider context of the Helensburgh settlement pattern and various aspects were shown of the site location together with a block plan of the proposed development. The development would not enhance or contribute to the amenity of the area. Mr Young felt that the mitigation being offered was insufficient to overcome the policy restrictions and that he would recommend refusal of the application based on development plan policy and the material considerations already stated.

**Representatives for Applicant**

Steven Black – Associate Director -Jones Lang LaSalle

Mr Black introduced himself and added that he is a Chartered Town Planner and Associate Director with the firm Jones Lang LaSalle. He had also served as a Local Authority Planning Officer with Fife Council and Edinburgh Council over a period of 15 years before moving into private practice in 2007 and was familiar with the nature of the type of application in front of us today.

Mr Black said that he would like to explain his understanding of the Case and those material considerations which should be most relevant to members in reaching their determination.

Mr Black noted that the applicant was also represented by Mr Lawrence Hill, the project architect who would give a brief commentary on the design of the proposed development and Mr Tony Dance who would give a brief explanation of the applicant's development interests and potential planning gain.

He had examined the Committee Report referred to and in particular the reasons behind the recommendation for refusal. This balance between the retention of open space and the growth of a community was one which faces Committees on

a regular basis.

The designation of the site as open space was not in dispute, nor was the previous refusals nor the raft of policies that the Council have at their disposal to protect such space from development should they see fit.

Acknowledging this policy context in order to reach a determination on this specific proposal it was Mr Black's view that members would require firstly to consider what amenity this site currently has and secondly whether its use for the development of three dwelling houses would have such a detrimental impact on the locality such that it should be refused.

From Mr Black's familiarity with the site he noted that the site was naturally regenerating with weeds and brambles and there was no evidence of the land being used for any recreational purpose and indeed the Report from the council's Professional Officers did not seek to argue any recreational purpose.

It was Mr Black's view that the lands amenity value was therefore limited to its appearance and its function as a gap between housing again as identified in the Committee Report.

Mr Black added that they would not seek to argue that open space has no value, but would wish Members to consider the current contribution of the space against that which might be achieved through development.

Helensburgh as with all towns had historically expanded into its rural hinterland. The surrounding greenbelt and the restrictions upon further greenbelt release, put increased importance on using available land assets wisely.

The detached dwellings and well maintained generous gardens had come to form an essential part of Helensburgh's established character. The local plan map might suggest that the green space is limited and that gardens of dwellings make no contribution to the green character of the settlement. The satellite photo perhaps gives an idea of the contribution that appropriate residential development can make.

There appeared to be little to no recognition of the fact that appropriate development could add amenity value and indeed Mr Black said he would argue that well designed residential development was very capable of improving amenity.

There was reference to the applicant's proposed planting to the rear of the development providing only 17% of the site but is notable from the applicant's indicative layout that only 24 % was taken up by the proposed foot print of houses. There was also reference to the majority of this planting being to the rear of the site which was true but equally small pockets of carefully maintained planting to the front of the site would be capable of contributing to the amenity value.

This was evident in the history and development of Helensburgh itself. Its character and its visual amenity were largely defined by the character of the streets and homes that had been developed through the years.

Undoubtedly the development of 3 houses in this location would take up an area of previously undeveloped land but it was Mr Black's view that the nature of the development being proposed when considered against the very limited amenity provided by the currently vacant site would not result in any significant loss of amenity and indeed to the contrary would provide a well-considered development which was fully capable of contributing to the outstanding character

of streets and spaces within Helensburgh.

Even setting aside the very real practical prospects of losing a valued and long established Helensburgh building company with all of the associated economic consequences, and the potential of Planning Gain, which Mr Dance would explain, it was in Mr Black's professional opinion that in Planning terms alone the proposed development was capable of making a valuable contribution to amenity and that this outweighed its current amenity value and limited function.

In this context Mr Black respectfully requested on behalf of the applicant that members consider the likely scenario that the site remained vacant and unmanaged for years to come against the prospects of achieving a well-designed and appropriate scale of development which would seek to mirror the character of the surrounding street scene with purposely designed landscaping to compliment this arrangement.

Mr Black respectfully requested that members consider these factors in balance, find favour with the proposed development and grant planning permission on behalf of Osborne Interiors Ltd.

#### Lawrence Hill – Architect

Mr Hill referred to the site which the current owners had identified as a gap site and stated that this particular site was land essentially left over from MOD housing which had probably not been developed during 1954 – 1960 due to the site levels. The site was on varying levels and the design solution for the proposed dwellings would be to construct them on a split-level design, with a discreet two levels to the rear of the property. This would ensure that they would integrate into the landscape and comply with ridge height restrictions.

Mr Hill said that as the area of each plot was significantly larger than any of the houses nearby, this would ensure a lower density development with more space for the proposed 110 trees around the site boundaries including specimen trees on the street frontage. He added that the house designs had been presented at a pre-application meeting with the planners. Alterations had been made accordingly at that time to satisfy the planners. He noted that infilling of former larch woodland sites with little amenity and owned by the MOD was not unique in the area and referred to the 2005 application for the construction of eight dwelling houses on Rhu Rd Higher, only 200m from the present application site, which were now complete and occupied.

Mr Hill advised that planning consent was granted at a local hearing on an occasion similar to today's and he hoped that this one would yield a similar result for the benefit of the applicant, their employees and the streetscape of Cumberland Avenue.

#### Tony Dance – Advisor to Applicant

Mr Dance began by thanking the members of PPSL Committee for coming to Helensburgh today to listen to the merits of this application. Mr Dance then introduced himself and advised that his role here was to present on behalf of the applicant and the workforce, a case for the grant of consent in the context of mitigation.

Mr Dance respectfully suggested to Members that they should address the very simple question which was, 'What is wrong with building three houses on this

OSPA site in the middle of a spacious housing estate in Helensburgh?’

Mr Dance indicated that members would be joined today by the applicant’s workforce. The majority of this workforce have been with for Osbornes for over a decade - some for thirty years plus. The longest serving member of the non-managerial staff had seventeen years service as a labourer. Mr Dance asked for members’ indulgence while he gave them their names and the number of dependants at home which he then proceeded to do.

He indicated that the twenty two men and women sitting here today had forty dependants living at home, made up of fifteen wives and twenty five children. In total then, sixty two people were dependent on Osbornes for their income and the family life they enjoy from that income.

During recent years these men and women had contributed greatly to the economy of Argyll and Bute and in particular, the streetscapes of Helensburgh and Lomond.

Mr Dance then showed slides representing a very small sample of the homes created by Osborne’s in the town of Helensburgh.

This last slide he said, would allow members to answer the question he had asked earlier, which was, ‘What is wrong with building three houses on this site in the middle of a spacious housing estate in Helensburgh? What is wrong with providing the type of quality homes built by these men and women on a site which has little or no amenity?’

Mr Dance then went on to indicate what the consequences would be from their not securing consent today. He acknowledged that currently times were tough out there for the construction industry and as was already known. Osbornes had, for the first time in their history, six homes unsold but in spite of this, they were still building homes and employing their workforce when other developers had pulled out or were simply sitting on their consents.

Mr Dance cautioned that when the last house is completed in December and the order book is empty, the weekly wages bill of £8000 will be unsustainable and the workforce will be paid off before Christmas and after forty five years working in Helensburgh, J Allan Osborne Limited will close its doors.

Apart from the fact that fifteen mums and twenty five kids would lose their income and twenty men and two women would be out of work, the wider economy of Argyll and Bute would suffer. The build costs of these three homes would be £600,000. 70% of this would go into local suppliers and sub contractors and Mr Dance gave a few examples of these.

#### Subcontractors

|                       |            |                  |            |
|-----------------------|------------|------------------|------------|
| CPR                   | Paving     | WestCoastCutters |            |
| Landscaping           |            |                  |            |
| Croft                 | Painter    | Ralph Smith      | Plant Hire |
| Donny Shearer         | Electrical | Gary Higham      | Plasterer  |
| Brown&Cordner         | Plumber    | Gregor Angus     | Tiler      |
| Helensburgh Floorplan | Flooring   | Helensb.Meta     | Metalworks |

George Brolly  
John Devine

Flat Roof  
Leadworks

Preston Fleming

Plumbers

**Local Suppliers Only**

M&T  
Mather Hire  
Speedy Hire  
Raymond Grieve  
Macarthur Stanton

Rowatts  
Helensburgh Toyota  
Hoods Skips  
Wright Hardware  
Clyde Property.

Osbornes adopt a local-supplier policy wherever possible and an example of this is in their annual turnover with M&T Builders Merchants which is in excess of £100,000. The owner of M&Ts was here today, as are a number of other suppliers and sub contractors. If consent is not granted, all this income will be lost and the knock on loss to the community will be considerable. Mr Dance said that he could not calculate the exact figure on top of the direct loss of build costs but twenty two men and women would be out of work and the resultant social and economic problems that this would generate would be considerable. There was no other construction work. Osbornes were currently the only builders left in Helensburgh still actually building houses.

Much had been said about OSPA, the policy on OSPA allows you to consider mitigation in order to grant consent. Although this application was validated in June 2011, for many months prior to that time, the applicant had discussions with planning officers in respect of mitigation.

The first offer of a £10,000 donation to the Helensburgh Trees Trust towards their replanting programme was declined as not being enough. The second offer was the donation of an alternative piece of ground valued at £70,000 to replace the loss of the open space. This too was declined as it meant some members of the community would have to cross a road. The third offer was the formation of community woodland nearby but the planning conditions on that were undeliverable. The fourth suggestion was to replace the Victorian bandstand at Kidston Park which would cost in excess of £50,000. Mr Dance then showed slides of the current state of the bandstand area.

He added that once again this had not been acceptable to planners, due to the fact that Kidston Park was on the other side of the A814 and yes, some members of the community would have to cross a road. Their fifth suggestion, if the bandstand was unacceptable, was the provision of play equipment to refurbish the existing Kidston Park play area. The reason for refusal this time was "no economic benefit"

Kidston Park has been identified by local Area Members as a priority for investment and economic regeneration and Osbornes could help to contribute to that regeneration. Mr Dance informed that Osbornes had even secured teak from the old Hermitage Academy to recycle into the bandstand roof. The planners had said that this was not enough mitigation for three houses, yet in Dunoon a multi-million pound supermarket investment offered £250,000 and this was considered to be enough.

The planners will not tell us what they want in mitigation and just keep saying all offers are unacceptable. Mr Dance said that you may now be wondering why his client was so generous in his offers of mitigation just for three houses in Helensburgh.

Mr Dance went on to explain that Mr. Paterson recognised that he could afford to retire tomorrow; and had done well from being a lad who had gone to work at the tools with Allan Osborne when he was sixteen. He had run the company successfully for many years and was a builder with a strong bond with his loyal workforce.

The thought of having to give P45s to men and women who have been with Osbornes for much of their working life was hard to think about and he is doing everything possible to secure work for them in the current climate. Had he not spent so much money fighting the Planning Department of Argyll and Bute Council over sites he owned in the local area, then he may have been able to secure other sites on which to build, but sadly that had not been the case and his men would now pay the ultimate price for this stand-off.

Since Osbornes could not give enough to satisfy the planners, it may be that Members would today consider the economic benefit from the securing the jobs of twenty two men and women would be mitigation enough and that the £50,000 would be better spent in the planning system to keep the workforce employed beyond 2012.

Members of the PPSL Committee will be familiar with the approved Corporate Plan of Argyll and Bute Council which detailed the Corporate Strategy of the council. At least three of those corporate objectives would support the grant of consent for this application and Mr Dance went on to reiterate what they stated.

Corporate Objective 1. 'Working together to improve the potential of our people' which states that one of the outcomes must be that Argyll and Bute has 'more new businesses operating in the area, creating more jobs'. Why would planners want to lose twenty two current jobs, for the Council to have to replace them with new ones?

Corporate objective 2 . 'Working together to improve the potential of our communities' which states that we must have a 'skilled and competitive workforce capable of attracting employment to Argyll and Bute'. He said that the men and women sitting behind him today in Hi Vis vests were that skilled workforce.

Corporate objective 3, 'Working together to improve the potential of our area' which requires the council to have contributed to an environment where 'new and existing businesses can succeed'. Mr. Paterson and his workforce had succeeded and wanted to go on doing just that. Mr Dance asked that if members were minded to grant consent then the Corporate Policy of the council would support them to do just that.

Mr Dance said that they were all well aware that if there is a will by elected members to grant consent, the planners tell us there is always the consenting policy. He believed that members had the ability and the expertise to find that policy and craft the resultant competent motion to give consent. He then urged them to do just that and give these men, women and their families a chance.

## **Statutory Consultee**

### Kathleen Siddle – Helensburgh Community Council

Mrs Siddle commented that this site was not the only site in the locality available for building houses on and she listed Hermitage Academy (166 houses) the former Dobbie's site (14 houses) and an area of the Helensburgh Golf Club which was now designated for development under the Local Plan. Mrs Siddle explained why Helensburgh CC were supporting the objection to the proposals and in accordance with the Town and Country Planning (Scotland) Act 1997, there should be regard to the provisions of the development plan so far as material to the application. Mrs Siddle stated that when considering the designation of the site as an OSPA, the material considerations were very important. She highlighted that there should be no confusion in the designation and that TPOs and OSPAs were very different and separate issues and that Argyll and Bute Council had confirmed the value of the site by the imposing of the OSPA.

The second material consideration was the derelict and overgrown nature of the site. Mrs Siddle suggested that this was the owner's responsibility and that the site should function as an OSPA, forming a softening balance between the two different types of development in the area. If regeneration were allowed to continue on the site, a rich habitat would develop accordingly.

LP REC2, she said, was primarily concerned with protection of open spaces and that the result of this development a large part of the open space would be taken up by three large detached dwelling houses setting a dangerous precedent to other OSPA sites Argyll and Bute wide.

Mrs Siddle then outlined the three material considerations that would be important to uphold within the OSPA

1. That the three previous applications had been declined.
2. That in the report of the Public Local Objections to the Local Plan, modification of these areas such as at Rhu Road Higher had been supported and that this change should be considered to ensure no further changes to the Plan. The designation of all four of the identified sites had been thoroughly tested at the Local Inquiry.
3. There was huge importance to the amenity of the site. The potential acquisition of the site by Helensburgh Community Woodlands Group would be supported by the Helensburgh Community Council who commend the idea as the way forward.

## **Supporters**

### David McKell – Employee

Mr McKell wanted to speak today to let those present know how the today's decision would affect me and my family.

He had worked for Osborne's for six years and wanted this to continue but the

realistic truth of it all would depend on decision was made today.

He said that we all appreciate that we are deep in recession and that there was a long hard time ahead adding that he had 2 children at 2 & 5 who had everything they needed at the moment - a good home, and a father that could provide. However, he added, that could all change today and not for the good.

Mr McKell went on to say that the Osbornes had continued to build even though there was no promise of selling houses and this purely on their own resources. Mr McKell saw this as a very defiant and bold stand against the recession and in addition he firmly believed at the forefront of his employers' mind was the future welfare of the 20 men they employed and he commend their ethos in every way.

Given the opportunity to build would not only keep Mr McKell in work for the next year, it would give him a very safe path through this very difficult time and Osbornes could continue to be a local company serving local people and keeping local people in work.

Mr McKell said that he hadn't come here today to start picking at the objectors' views, but had come to tell them how adverse an effect the wrong decision today would have on him and his family.

In summing up, he asked members to give Osborne's a chance, not just to develop houses but to develop his family's future as well as this community in Argyll & Bute.

On behalf of himself and his family, he thanked everyone for their time.

#### Colin Gardiner – Local Resident

Mr Gardiner stated that he fully supported the application and that his views were similar to his neighbour Stuart Aitken. Mr Gardener informed that he had lived in Helensburgh since he was five and that Mr Aitken, who was now 60 had lived here all of his life. Mr Gardiner advised that when he had seen the notice of the application in the local paper, he hadn't taken much notice of it but went on the website to review the plans at a later date. He felt that if the application had been for some twenty storey high rise, he would have felt that refusal would be justified, however in this case he felt that the development would fit in very well with the existing topography, adding that with appropriate landscaping and tree planting, the area could only be enhanced. Mr Gardiner said that what was being discussed today was not 'the destruction of a tropical rainforest', but a small piece of land planted with trees to provide separation between service married quarters and the detached houses further down Cumberland Ave. He added that things have moved on and that in their time, the MOD houses in the area now provided good quality, affordable houses and could see no reason why the two housing areas could now not be integrated. As to the amenity value of the site, Mr Gardiner said that by no stretch of the imagination could this be the case and that until the trees were felled, he had seen no one in the woodland. In this current financial climate, Mr Gardiner felt that the committee should back the local builders who were in turn providing a contribution to the local economy and employment and not pull the rug from under their feet.

#### Councillor Gary Mulvaney

Councillor Mulvaney had a couple of issues with certain aspects of the report he wanted to address. Referring to earlier comments about the site creating a 'buffer' effect between the different housing types and that Mr Gardiner had been correct to set out the historical aspects of the site and that although the trees had been planted to separate at that time, the site should now have provide the opposite effect and integrate with the surrounding landscape. Cllr Mulvaney referred to the comments on page 11 of the agenda pack, which contained commentary about the events leading to the removal of the TPO and designation of the site as an OSPA. It was his recollection that due to the creation of the Local Plan, constraints prevented the removal of the OSPA. Cllr Mulvaney referred to Mr Dance and Mr Hill's references to the amenity value of the site which in his opinion was subjective. The Planning Officers, he noted, held a different view on this and he urged members to take on their own view on what benefits there were to the local community and if they actually used the facility as it currently stood. He suggested that there was very little amenity at present and that there was sufficient managed woodland in the nearby vicinity.

Regarding the mitigation schemes currently on offer, Cllr Mulvaney felt that the value of this was considerably higher than the overgrown scrubland that formed the application site. The £50,000 towards the improvement of the bandstand or play area would ensure greater community value and that the argument of inaccessibility to Kidston Park area would apply almost everywhere else in the town and was therefore not valid. He suggested to members that there was a clear economic case here, with the mitigation on offer giving potential to the area. He hoped that the PPSL would give consent and that every site should be considered individually and urged members to come to their own views.

## **Objectors**

### Catriona Malan

Mrs Malan reminded everyone that this land had never been intended for building on and that this had been reflected in the price paid for the ground at the time. There had been three refusals already which would indicate the will of the council's planning department as being opposed to any development of the site. Mrs Malan felt that no should mean no. As the site was OSPA designated, the amenity it provided should be retained and that the Planning Officer was obviously in agreement with this. Mrs Malan advised that the inaccessibility of the site was due to poor management by the current owner and that this should not be used as an argument for them to develop the site which had now been destroyed due to the screening of the visual amenity it could potentially provide and that this development would result in the loss of this green space forever.

In reference to the recent Main Issues Report (MIR) which had indicated a projected fall in population, Mrs Malan could see no real need to use green space, especially those with an OSPA designation and in this case, hoped that the application would be refused.

Mrs Rosemary Stevenson – Helensburgh Community Woodland Group (HCWG)

Mrs Stevenson, local resident and convenor of the HCWG said the that Trust had been interested in the plots of land with a view to retaining as an OSPA designated woodland to be enjoyed by everyone in the community and that the Community Woodlands Association (CWA), the representative body of Scotland's community woodland groups, had offered guidance and support on funding options. Mrs Stevenson said that a consistent stance had been taken by the HCWG who had made a recent offer to the owners of the site. She handed round photographs showing the area around the site and the other two wooded areas in Rhu Road Higher, and at Lomond Playing Fields. These three plots had all had TPOs on them and Mrs Stevenson indicated that it would be the intention of HCWG to re-establish tree cover on the application site.

Mrs Stevenson said that she was in agreement with the Planning Officer's recommendation and asked members to consider the history of the site and that the most recent refusal had been made after the trees had been removed. She appreciated Cllr Mulvaney's comments but in her opinion, there was no basis for granting the consent or to suggest that trees were the key issue.

Mrs Stevenson felt that the previous reasons for refusal still applied and that the only change was the financial incentive now on offer and that this should not be used to influence the decision today. She had concerns that the site would be lost as an open space and that it currently provided a necessary physical break between the different types of housing in the locality. She suggested that its original intention was as a shelter belt providing protection from exposure to nearby houses and that the softening of the landscape was of importance. Mrs Stevenson referred to the decisions on the Local Plan and the site opposite which had been referred to as part of Helensburgh's character of open spaces and that she couldn't see how the council could now set aside such assessments at this stage as once lost, they can never be replaced.

Mrs Stevenson suggested, it had been recently noted that the height of the tree regeneration was above the brambles but that this regeneration had subsequently been removed as part of a deliberate act by the owners to maintain the current poor condition of the site and that she was somewhat concerned that this should now be used as an argument to seek permission to develop and suggested that this should be one of the reasons to refuse the application.

The offer to purchase had been refused with no reasons given and she urged the committee to refuse the application as the community needed to support and protect this area.

### **Members' Questions**

Councillor McKay asked the Planning Officer about the history of the previous applications and if there was now a new Local Plan. Mr Young replied that the updated Local Plan 2009 was used during the current assessment and in the last application.

In reference to the off-site mitigation on offer, Councillor McKay asked if the Planning Officer deemed the £50,000 as a material consideration. Mr Young responded by stating that he had referred to this in his assessment and had given reasons for this and noted that he had made suggestions as to how it could be modified.

As Policy REC2 had been taken into account during consideration of the previous three applications, Councillor McKay suggested that it could now not be ignored in this instance.

Councillor McKay stated that Mrs Stevenson had mentioned that Policy LP REC2 had been used during consideration of the larger playing fields site and asked Mr Young what his interpretation of it had been in that particular case.

Mr Young said that in the case of the Lomond School Playing Fields, there had been the provision of a new gym complex which did have public access and that it had been allowed as it did meet certain aspects of Policy LP REC2 whereas everybody accepted that today's application did not.

Mr McKay asked Mr Hill that when he had referred to available gap sites in Helensburgh, why this one had been chosen. Mr Hill responded that they had been looking for sites which were free of any building within the settlement boundaries in the town and that such sites were in short supply in Helensburgh. In his opinion, this particular site was very appropriate for the proposed development.

Councillor McCuish asked Mr Young whether economic impact was considered when assessing the application. Mr Young replied that economic and environmental impact together with sustainability was always considered. .

Mr McCuish said that he appreciated that environmental impact was now more relevant than it had been in 2008. Mr Young felt that although he acknowledged the current financial recession, it was important to try and get the balance right.

Cllr McCuish asked Mrs Siddle (HCC) what the current amenities of the site were.

Mrs Siddle said that the green space currently provided a softening of the streetscape but that she was concerned that the site was not being maintained by the current owners

Councillor McCuish asked Mrs Stevenson when her photographs had been taken, to which she responded that she thought it would be around 2002.

Councillor Reay asked Mr Black if he felt that it was important to retain the visual amenity of the site to which Mr Black responded that each site should be viewed on its own merits and that the key here is that the original plan did not have specific plans of separating or retaining space and that he did not feel that there had been a ploy by the MOD to do so judging by the scale of the site.

Councillor Reay asked Mr Black if he was aware of the number of sites that had been designated in the Local Plan and Mr Black said that he had looked at them all.

Councillor Reay asked Mr Young what advice had been given to the planners at the time that the TPO had been revoked. Mr Young responded by saying that he had recommended not to remove the TPO.

Councillor Reay asked if Mr Young felt that these wooded areas should form part of the natural setting in the area. Mr Young replied that during a recent Public Inquiry on an area of ground opposite the application site, the trees had been assessed as being part of the wider landscape and that there had been material value in this.

Councillor Reay asked Councillor Mulvaney if he had seconded the motion to impose a TPO on the application site. Councillor Mulvaney said that the time the sites were being acquired he recognised that there needed to be some sort of control and that the TPO route had been gone down. Subsequently unenvisioned consequences had arisen which had resulted in the TPO being removed and an OSPA being designated. He gave a brief history of the measure that had followed and that measures to revoke the OSPA had been unsuccessful.

Councillor Reay asked the applicant why the offer from HCWG had been refused.

Mr Dance responded to this by advising that the sum offered had been only £11500, which was not enough recompense for the job losses that would result.

Councillor Devon asked Mr Young how he felt that the area contributed to the amenity and character of the area. Mr Young said that the Reporter had commented during the assessment that these areas speak for themselves. He felt that these open spaces should not be allowed to deteriorate through bad management and that as Mr Hill had previously acknowledged, these green spaces were in short supply. Mr Young felt that the open spaces were an important feature, something which had been recognised by local members since 1998.

Councillor Devon asked Mr Young how the site had been valued in terms of high density and whether he felt that the proposed development would constitute rounding off or filling in. Mr Young felt that it could be seen as infill but for the OSPA.

The meeting was then adjourned for a short break at 12.45pm and reconvened at 12.55pm.

Councillor Marshall said that he felt that the economic argument did not stack up due to the jobs that would be lost and stated that the council's own Corporate Plan was to ensure prosperity. He asked Mr Young if this would constitute a material consideration. Mr Young said that it did.

Councillor Marshall asked if the unmanaged woodland was a serious eyesore to which Mr Young responded that if he felt that it was he would have served the owners with an amenity notice. However, in Mr Young's current judgement, he did not feel that it was.

Councillor Marshall asked Mrs Stevenson where she would expect a path to lead. Mrs Stevenson said that she had taken advice from a forester who had looked into this and suggested the possibility of a u-shaped path around the site. He had addressed the topological nature of the site and had not found it to be

problematic.

Councillor Marshall suggested that such facilities already existed in the nearby Duchess Wood.

Councillor Colville asked the applicants for clarity on the 110 trees and shrubs which they proposed to plant and asked the exact number of trees and who would maintain these. He also asked if it would be possible to impose a TPO on these trees.

Mr Hill responded by confirming that there would be 110 trees of various sizes and that they would be initially the applicant's responsibility although once the houses were sold, this would fall to the home owner. He added that 6 cherry trees would be planted to the front of the properties to reflect the other properties in the street.

Mr Black confirmed that several options were available regarding conditions to retain the trees and that a clause could be inserted into the title or factoring.

Councillor Colville asked Mr Young if the applicants would be under any obligation to plant trees, to which Mr Young answered that they would not. Councillor Colville suggested that if the developer was offering to plant trees, that this would be seen as an improvement. Mr Young said that he would refer to the reasons contained in the other applications and putting trees up on the site would certainly improve it, but not housing.

Councillor Chalmers said that during his brief visit to the site he had seen no sign of a path.

Mr Gardiner also confirmed that he had never seen anyone in there and that he had lived in this area for 30years. He added that Cumberland Avenue had not originally gone up to Rhu Road Higher.

Councillor Chalmers asked if this meant that there was no established path.

Mrs Stevenson said that it wasn't that kind of site as it was tightly packed woodland and therefore inaccessible. However, if the community were in favour of this, it could be implemented.

Councillor Chalmers, in reference to Policy LP REC2 and the mitigation offer, asked Mr Young whether the community benefit with the construction of the bandstand would be set against the presumption against building and what part of the offer he had an issue with. Mr Young felt that it did not have equal community benefit.

Councillor McCuish asked about the fall in population as noted in the MIR and asked if this was due to not enough work or houses in the area.

Mrs Malan said that she didn't agree and that the reasons for the downturn were not known. She felt that the existing housing stock was sufficient and that there was no immediate requirement for more housing. She referred to the 500 homes already in the pipeline.

Councillor McCuish asked if Mrs Malan found the drop in employment worrying.

Mrs Malan said that this factor should not be used to blackmail the committee into approving applications.

Councillor McCuish asked the Planning Officer if he agreed that if the three houses were to go ahead, that this would not constitute overdevelopment of the area. Mr Young agreed that if it weren't for the OSPA it would not.

Councillor Reay asked Mr Young about his concerns regarding the mitigation proposals and asked him to confirm that there were existing proposals to improve the Kidston area. Mr Young agreed that the council's estates department were in consultations regarding this but that the two proposals should be kept separate for the purposes of this application. Councillor Reay asked if the process was currently in place to improve Kidston, to which Mr Young confirmed that it was as far as he was aware.

Councillor MacKay asked Mr Black for clarity re the mitigation offer and asked whether it was one or both. Mr Black confirmed that it would be one or the other.

Councillor MacKay asked whether there was potential here for a community benefit to be unlocked and cited that the development plan promoted economic competitiveness.

Mr Young responded that many policies must be taken into account and that this was what he had done.

Councillor Colville asked Mr Young to comment on the Biodiversity issue and whether it was of local importance. Mr Young said that although it wasn't a designated site, it did have value as indicated by the Biodiversity Officer.

Councillor Colville asked the applicant whether he would intend getting into discussion with the Local Biodiversity Officer. Mr Black replied that he would be more than willing and that the planting at the rear had been agreed by the BDO. The cherry trees to the front were being planted to fit in aesthetically with the existing streetscape.

The Chair then asked that the summing up process should now begin and ascertained that no new information could be introduced at this point.

### **Planning Officer**

Mr Young stated that local members had place an instruction upon both himself and the previous manager to impose a TPO on the site from as early as 1998. Members had also agreed to protect this and other sites through the OSPA designation. He reiterated his earlier comments that his application should be assessed against the Development Plan and other material considerations and that the slides shown by the applicant had indicated a variety of developments in Helensburgh that he had signed off as suitable. He did not feel that the site in question today was acceptable. Under Policy LP REC2 the site did add value and contribute to the local area, something previously recognised by local members and three separate Scottish Government Reporters. In his opinion, the building of these three houses would undermine the current amenity to the area

and in these respects he would recommend refusal of the application.

## **Applicant**

Mr Black said that he heard a little today on precedents and that the merits of each application must be concentrated on. He asked members to note that the application in front of them today had not gone to Scottish Government and that there were no disputes regarding the design of the proposed development which he felt would meet with the high value of amenity set by the neighbouring dwellings and gardens that contribute to Helensburgh's established character and would result in a significant improvement in terms of amenity when compared to the site's current underdeveloped state.

Furthermore, the granting of Planning Permission would allow the continued operation of a local business which had survived 47 years and had contributed to the growth of the town, providing employment for local people and had contributed to the town's economy in terms of direct and indirect trade.

Mr Black stated that in the Council's most recent Corporate Plan, the first aim of the first three of the four objectives quoted, relate to:- 'Job Creation', 'Developing a skilled and competitive workforce', and 'Contributing to an environment where existing and new business can succeed.' He continued that this long established Helensburgh business which was on the brink of potential administration was seeking a modest proposal for three houses, fitting in with the established pattern of development and which would be capable of making a valuable contribution to the street's established character.

He urged the committee to find that the value of this open space, when balanced against the contribution that the development could make would be such that it would merit the refusal of the development and he asked that the members consider a motion to find that the development would not conflict with the overarching theme of policy to protect amenity and which at worst, would constitute only a minor departure from policy and resolve to grant Planning Permission.

## **Statutory Consultee**

Mrs Siddle – HCC, reiterated her previous comments in that this small site was not the only one available to the applicant within the Helensburgh boundary. In reference to the jobs, she felt that there would be others to be had. This site had already had three applications refused and that it had been exhaustively tested. She felt that there should be some condition to prevent continued applications such as these and that a dangerous precedent would be set if the OSPA sites within Argyll and Bute were to be lost in such a manner.

## **Supporters**

David McKell said that many of the other companies operating in the area were not local.

Colin Gardiner said that he had no axe to grind and that this was not about the

TPOs. He felt that the amenity value complied with local policies but that in reality in this case it did not contribute. He felt that the benefits of the development going ahead would outweigh those in the event that it did not and that a pragmatic and common sense approach should be adopted in this case.

Councillor Mulvaney said that as the Planning Officer had already confirmed, there would be no overdevelopment if the application were to go ahead and that a rounding off effect would be the result and that the degree of separation between the existing boundaries would be removed. He felt that there was at present only a negligible visual amenity. Regarding the comments about the bandstand site being inaccessible, Councillor Mulvaney felt that this was not evident and that the bandstand area was accessible to all of the community. He said that members should be minded to look at the corporate plan which requires a wider economic benefit and hoped that members would support the application.

### **Objectors**

Catrina Malan said that she was saddened by the fact that a developer could buy a wood, hack it down and then gain consent.

Rosemary Stevenson said that if consent was not granted, the wood would be left unmanaged. She confirmed that HCWGs offer had been based on the land having no development potential and took a dim view that the current condition of the site could be used as justification for the granting of consent. She mirrored Mrs Siddle's comments that alternative sites were available to the applicant and that if the development went ahead, that public confidence would be reduced if their views to the Local Plan were set aside. Mrs Stevenson felt that the current condition of the site was a red-herring and that the site had the potential to be managed and the habitat to regenerate.

The Chair then ascertained that all parties had received a fair hearing to which they confirmed that they had. He reminded everyone that the only application being considered was that which was in front of them today.

### **Debate**

Councillor McKay said that he had listened to all the various points from the planners and felt that the density of the application was acceptable. He noted that in the report, the title of the application referred to 'land between'. However, Councillor McKay now felt that after seeing it, he felt that it was a gap site. He acknowledged that the site history should be considered but that things had moved on and that there were now major changes in Scottish planning. He felt that the mitigation was a key consideration and that he would try to put together a competent amendment to the Planning Officer's recommendation.

Councillor McCuish advised that he would not be supporting the Planning Officer's recommendation as he didn't feel that the erection of these three houses would constitute an environmental disaster and that they would fit in well with the streetscape. He acknowledged that these were difficult times and that must be taken into consideration. Councillor McCuish also felt that the Council's own Corporate Plan should be considered.

Councillor Marshall indicated that he would not be supporting the Planning Officer's recommendation as he regarded this as a gap site which was an eyesore at present. He supported the building of the three houses and voiced his concerns regarding the potential loss of employment if the development should not go ahead.

Councillor Devon said that she could not justify accepting the Planning Officer's recommendation and that she agreed that the site was currently an eyesore and could not see how it would be a benefit to the community.

Councillor Reay indicated his support for the Planning Officer and said that the historical perspective should be considered. He felt that it was important to look at why these green spaces were where they were. This was, he felt, as a softening effect to the landscape and also as a visual amenity. When the MOD had originally applied for permission to fell the trees, they had been refused and that during the final summation, the Reporter had recognised this site as an OSPA. He appreciated that we were in difficult times but that there was still a responsibility as Councillors to represent the constituents. He said that it had been a clever and optimistic purchase by the applicants but that they were well aware of the constraints of the site. In his view, Councillor Reay felt that these woods were important for this area of Helensburgh and that it would be a pity if they were lost. Councillor Reay also felt that there was a lack of high quality social housing in the area.

Councillor Colville advised that he had not been involved in the previous applications and that the key matter is that there was now no TPO in place. He had listened to all of the arguments and was now left to consider the OSPA. When looking at LP REC2, this area could not be considered biodiversity important as it did not currently make any contribution to the area. He was minded to agree with an amendment but must be sure whether a Section 75 would be imposed to protect any proposed trees in the development. Councillor McQueen indicated his support for an amendment due to the employment issue.

Councillor McMillan also indicated his support for an amendment due to the employment issue.

Councillor Chalmers indicated that if his colleagues could come up with a suitable amendment to the Planning Officer's recommendation, he would support it.

## **Decision**

The committee unanimously agreed that the application be granted subject to a Section 75 Agreement to provide/refurbish the bandstand in Kidston Park and conditions to be agreed with the Head of Planning for the following reasons:-

The proposed development which has an almost central location in this fairly large residential area demonstrates adequately that it sufficiently integrates with the urban setting of the development with regard to layout and density.

The application is compatible with its existing surroundings with regard to the design of the proposed development whereby the proposed dwellings are firmly

attuned to the existing built environment.

The proposal of 3 dwellings on this comfortably sized site will sit appropriately in its setting which can be judged as a gap site. Cognisance should be afforded to the description of the site which on the application is titled "land between 19 & 37 Cumberland avenue" therefore the setting of 3 more dwellings between the established rows of properties is entirely appropriate, taking account of the 3 factors above this development conforms with Policy LP ENV 19 of the Local Plan.

The history of the site should be noted however it must be acknowledged that there we have a new Planning Act. Argyll & Bute like many other areas of Scotland requires as many homes as possible and the provision of 3 residential dwellings will enable at least 3 families to move up or on to the housing chain. The mitigation proposed together with the new planning act means there has been a material change of circumstances since the previous applications were considered it also must be acknowledged that the redevelopment of the site and proposed new planting will improve the amenity of the site

Whilst the policy presumption is against development the applicant's proposal to provide a Bandstand and /or upgrade the existing play facility to the value of £50,000 will more than adequately mitigate the development of this site. Policy LP REC 2 states there should be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available that there is clear long term excess of pitches, playing fields, and public open space in the wider area. - the amenity of this inaccessible site of scrub & gorse is not only questionable but is more than adequately provided by the nearby Rugby, Football and Cricket areas.

The close proximity of the proposed Bandstand or equipment upgrade in the nearby Kidston Park will provide an excellent focal point to provide various forms of arts and culture for the immediate and indeed the wider community and should be acknowledged as a very valuable & sought after asset with acceptable community benefit. The accessibility of the considerable open space available in the wider area as mentioned above together with the suggested mitigation does take into account the long term strategy and recreational and amenity value therefore conforms to Section B ii of Policy LP REC 2 of the Argyll & Bute Development Plan.



**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 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 11/00887/PP

**Planning Hierarchy:** Local Application

**Applicant:** Osborne Interiors Ltd

**Proposal:** Erection of three dwellinghouses.

**Site Address:** Land between 19 to 37 Cumberland Avenue, Helensburgh

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**SUPPLEMENTARY REPORT NO.1**

**1.0 SUMMARY**

This report is to update Members on two additional objections which were missed from the original report of handling. The objectors are as follows:

Brian Cook, 4 Fruin Lane, Helensburgh (e-mail dated 05/06/2011)

Lorna Masterton, 8 Frazer Avenue, Helensburgh (e-mail dated 06/06/2011)

There are no new issues are raised which aren't covered in the main report.

**2.0 RECOMMENDATION**

It is recommended that the contents of this report are noted, that they don't change the recommendation contained in the report of handling and that planning permission should be refused for the reasons set out in that report.

**Angus J Gilmour  
Head of Planning & Regulatory Services  
03 October 2011**

Author: Howard Young 01436 658888  
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