

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the MAIN HALL, VICTORIA HALL, HELENSBURGH
on MONDAY, 27 AUGUST 2012

Present: Councillor Sandy Taylor (Chair)

Councillor Gordon Blair	Councillor David Kinniburgh
Councillor Rory Colville	Councillor Alistair MacDougall
Councillor Robin Currie	Councillor Robert G MacIntyre
Councillor George Freeman	Councillor Alex McNaughton
Councillor Fred Hall	Councillor Richard Trail

Attending: Iain Jackson, Governance Officer
Richard Kerr, Principal Planning Officer
Sandra Davies, Planning Officer
Anne-Marie McCann, Dunbritton Housing Association (Applicant)
Michael Jarvis, MAST Architects (Applicant's Agent)
Gregor Cameron, Consultee for Applicant
Campbell Divertie, Roads Engineer
Councillor James Robb, Supporter
Robbie Don, Objector
Iain Cameron, Objector
Frank Hart, Objector
Richard Dickson, Objector
Councillor Ellen Morton, Objector
Councillor Vivien Dance, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon, Donald MacMillan and James McQueen.

2. DECLARATIONS OF INTEREST

None declared.

3. DUNBRITTON HOUSING ASSOCIATION: ERECTION OF RESIDENTIAL DEVELOPMENT COMPRISING OF 49 UNITS FOR AFFORDABLE HOUSING (2 THREE STOREY FLATS - BLOCKS INCORPORATING 36 UNITS AND 12 TWO STOREY SEMI-DETACHED HOUSES AND ONE BUNGALOW): FORMER HERMITAGE ACADEMY, CAMPBELL DRIVE, HELENSBURGH (REF: 12/00833/PP)

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

Iain Jackson, Governance Officer, outlined the hearing procedure and the Chair invited anyone who wished to speak at the meeting to identify themselves. Once that process had been completed the Chair invited the Planning Department to set out their recommendations.

PLANNING AUTHORITY

Sandra Davies, Senior Planning Officer, spoke to the terms of the report, referring to a number of presentation slides. She advised that the application was for the erection of 49 affordable housing units at the site of the former Hermitage Academy in Helensburgh. The make-up of the development is 2 blocks of three storey flats providing 36 units, 12 two storey semi-detached houses and one single storey wheelchair accessible bungalow.

This application follows on from a planning application approved in May 2008 for a housing proposal for the whole redevelopment of the site. This scheme comprised 166 dwellings including 43 affordable homes but was never implemented because the developer went into liquidation and the sale of the ground did not proceed. In that application the affordable housing was spread more evenly across the site although there was a concentration surrounding the children's play area.

The application site is at the eastern end of the town within the settlement boundary and forms part of Housing Allocation 3/4. The Local Plan notes that this allocation has the capacity for 160 units with a minimum requirement of 25% affordability. Dunbritton Housing Association is a Registered Social Landlord (RSL) and housing provided by RSLs fall within the definition of affordable housing in terms of Planning Policy. The principle of having affordable housing on the site is therefore considered to be acceptable in terms of Local Plan Policy.

The site fronts on the main A814 and permission has already been granted for a roundabout which would open up the access to the site.

In addition to the supportive Local Plan Policy, there is also a Masterplan for the site which was approved by the Council's Executive in February 2012 following public consultation and this represents a material consideration in the determination of this application. While the Masterplan is an indicative document, the location and layout of the affordable housing element closely resembles that of the current planning application, the main difference being that the open space area is now adjacent to the flats.

Reference was made to a slide showing the layout proposed by Dunbritton. The link road is included within the proposal because this is an outstanding requirement from the time when the school relocated to its current edge of town site. When the school was developed on its new site there were a number of alterations to residential roads in the vicinity of the school in the interests of road and pedestrian safety. In particular part of Drumfork Road next to the school was stopped up which gave those from the north eastern end of the residential area a much more protracted route to get to the main road. A condition was therefore placed on the school planning permission to address this connectivity problem by requiring a new link through the former school site. This was set to be provided as part of the Dickie development, however, they went into liquidation and the development did not proceed. It is therefore considered important to ensure that this link is retained in any development proposed for the site.

The proposal has been supported by a landscape plan and reference was made to a slide showing all the planting and grassed areas proposed for the

development. Reference was also made to a series of photographs of the site which showed views of the surrounding area.

As already mentioned the site is within a housing allocation and that the principle of 49 housing units would be acceptable in terms of development plan policy. All other policies within the plan which are relevant to the proposal also require consideration along with any points of representation made and other material considerations. The design is now considered to be acceptable and the three storey flats are considered to be appropriate in the location proposed. They will cause no overshadowing or privacy problems and sit within their own landscape setting. At the front of the site they will address the roundabout and dual carriageway and add visual interest to the streetscape. Housing greenspace and children's play areas will be provided in accordance with Local Plan policy and drainage and roads issues have received no objections from statutory consultees. Just over 200 objections have been received in connection with the application and one letter of support has also been received. The main points of objection were highlighted but notwithstanding these it is considered that the proposal would accord with the development plan and there are no material considerations of sufficient weight which would indicate otherwise and it is therefore recommended that the proposal be approved subject to conditions.

Reference was made to Supplementary Planning Report number 1 which detailed a couple of late representations and also recommended that condition 10 be deleted from the list of conditions contained within the main Report of Handling should Members be minded to approve this application as this is a repeat condition and duplicated in error.

APPLICANT

Michael Jarvis of MAST Architects, presented his case on behalf of the Applicant. He advised that Dunbritton Housing Association secured funding for the affordable housing at the former hermitage Academy site bordering Cardross Road in Helensburgh through a successful bid to the Scottish Government investment fund, for which Dunbritton Housing Association submitted their application in May 2011. The full funding grant of £2 m was awarded in September 2011.

The application was submitted by Dunbritton Housing Association to secure funding to deliver affordable housing in the Helensburgh area in order to address the high demand for affordable housing in the area. Currently there are 491 applications on the HOME Argyll register (Argyll and Bute's common housing register for all local housing associations) who are seeking affordable rented accommodation in Helensburgh. Dunbritton Housing Association's current housing stock lists 177 units within the Helensburgh area which are all fully occupied.

The development of the affordable housing on the Hermitage site will help Dunbritton Housing Association and Argyll and Bute Council to address the high demand for affordable housing in the area. Currently Dunbritton Housing Association and Argyll and Bute Council are working together on projects within the area to deliver good quality affordable properties for local residents.

Reference was made to the Council's Executive Committee report of 15

December 2011 regarding the proposed Masterplan for the former Hermitage Academy site when it was agreed that the Masterplan go forward for consultation. Reference was made to the site plan showing the Masterplan proposals and that following consultation no objections were made to the Masterplan proposals and the Masterplan was subsequently approved by the Council's Executive in February 2012.

Reference was made to a meeting Dunbritton Housing Association had with Helensburgh Community Council and local residents regarding their proposal to build 49 homes on the site. Reference was made at that meeting to Dunbritton Housing Association's earlier application which was subsequently withdrawn and which would be resubmitted with amendments to the design. The feeling gauged from that meeting was the people liked the proposed buildings. A request was made to have the proposed high vegetation in front of the flats changed to low vegetation to allow for better views and this was taken on board. Following the meeting with the Community Council and discussions with Argyll and Bute Council planning further inspiration from the local architectural language was taken and Architects worked up the full application taking into consideration the proposals in the Masterplan.

Reference was made to the previous John Dickie homes scheme along with slides showing the location of affordable housing on the site and the elevations of the buildings and these were compared with the Dunbritton Housing Association proposal.

Pictures were shown of other developments across Helensburgh to demonstrate precedents for the types of properties being built.

Pictures of 3D images were also shown to highlight shadowing of the flats at different times of the day and at different times of the year – none of which would affect neighbouring properties to the site.

STATUTORY CONSULTEES

Campbell Divertie, Roads Engineer, advised that the challenge for Roads was that there were three objectives required. There was the requirement for a road to serve the development, the opportunity not to restrict future development of the site and the need to take forward the link road. Campbell advised that the proposal achieved all of these objectives. He also referred to the condition advising that construction of the roundabout required to be complete prior to occupants moving into the houses.

SUPPORTERS

Councillor James Robb advised that he has seen a powerful case to approve this development which will meet the needs of affordable housing within the local housing strategy. He advised that 1,500 affordable houses would be required over the next 10 years. He referred to the Masterplan approved by the Executive in February 2012 and advised that Councillor Ellen Morton had supported the Masterplan. He advised that Councillor Dance had declared an interest at that time. He referred to the development of the link road for improved access and integration and that it would improve the gateway into Helensburgh. He advised that all the plans and planning considerations were all

being met. He referred to there being over 200 objectors and stated that $\frac{3}{4}$ of these objections were submitted on pro forma letters but acknowledged that this, however, did not diminish these objections. He referred to opposition to change being natural. Some people may not like the design of the proposal and some may not wish affordable housing near them. He advised that 49 families will benefit from these new houses and will be able to leave unsuitable accommodation. He advised that he was here to speak on behalf of these 49 families. He advised that this development would serve a need that has to be met. He advised that the site was ideal for housing and the provision of the affordable element in terms of social housing. He advised that some people may prefer the affordable housing on another site. He referred to the PAN 2/2010 document stating that affordable housing should, as far as possible, be indistinguishable from the general mix of other houses and that it should be integrated into scheme. He advised that this document was not applicable and that if the Committee wished they could consider asking for some of the rented accommodation to be subsidised purchase units and he hoped that the Committee would agree with the planners' recommendation to approve the application.

OBJECTORS

Robbie Don

Mr Don advised that he lived at 2 Kenilworth Avenue and that he was concerned about the impact the development would have on a small community which had a lot of 1920s and 1930s style housing with a mix of young and old retired people. He advised that the site was not in keeping with the current architecture of Colgrain and that 49 units on an isolated place would have an impact on the community. He advised that he had no problem with the Dickie Homes proposal or affordable housing. He advised that the units in the current proposal will be isolated on one part of the site and no one had any idea how the rest of the site would be developed. He referred to the site being a key entry point into Helensburgh and that the flats would impact on the skyline view. He advised that it was his opinion that the proposal should not be considered.

Iain Cameron

Mr Cameron advised that he lived at 28 Cardross Road and that his house was next door to the development. He advised that the Dickie Homes proposal was acceptable as it was for development of the total site with a mix of housing and that the affordable housing would have been integrated. He advised that the blocks of flats in the current proposal were too intrusive and that the houses would all be lumped together at the one corner of the overall site creating an imbalance. He advised that there was no guarantee what would happen to the rest of the site. Mr Cameron referred to the PAN 2/2010 document regarding affordable housing and advised that the proposed design of the houses was at odds with anything else in the area. He advised that the design of the houses should blend in and reflect more with the existing properties. He advised that the road passing the site was one of three routes into Helensburgh and that this was the main one. He advised we should be getting it right not just getting it. He advised that the impact on this community was not just for now but for decades to come and that it was important we got the development right. He advised that Colgrain was a small community like a small village. He advised he had no

problem with affordable housing and felt for the 49 people, however, these houses should not be situated all in the one position on the site.

Frank Hart

Mr Hart advised that he lived at 7 Ashton Drive and that the proposed development of 2 storey houses did not tie in with existing bungalows in terms of design. He referred to other sites across Helensburgh which were sympathetic to the surrounding area. He advised that single storey units would tie into the area better. He also referred to the height of the land at the former playing fields being higher than Ashton Drive which would lead to overlooking.

Richard Dickson

Mr Dickson advised that Colgrain's aspirations and fears were no different from Port Ellen, Port Charlotte, Bunessan or other smaller Argyll communities, we want to enjoy where we live and have a pride in our surroundings. The removal of the old and unsightly Hermitage Academy has enhanced and improved the approach to the town of Helensburgh not just for us but for visitors and also the residents of the immediate area. Colgrain has houses which are totally integrated and designs which are sympathetic with the area. We are not against developments within Colgrain or the needs of the wider community. The proof of this is the new Hermitage Academy and in the near future the building of a supermarket. We are not against integrated social housing. We want to encourage affordable housing in line with the Council's planning advice note pepper potting of affordable housing throughout the development. Social housing clients deserve good quality housing throughout a well planned and developed site. We want a constructed and balanced development which will enhance and improve our area, a fully integrated and well designed housing site where everyone feels a pride in being a part of the community of Colgrain. What we don't want is a block of flats out of keeping with the surrounding area. We don't want a development that is not fully integrated, we don't want a development of random and ad hoc buildings when part funding becomes available.

Councillor Ellen Morton

Councillor Morton advised that the residents of Colgrain had spoken well today and hoped that Members would listen to them. She advised that this was not about resistance to change, that the residents had no objections to the new Academy, had no objections to the Waitrose supermarket and had no objections to the local plan which designates this site for housing. They had no objections to the Masterplan and had very few objections to the John Dickie Homes application.

She advised that this was a community that values its community and that Colgrain was a discreet community separated from Helensburgh by the railway. It has its own community assets, own primary school and own play areas. She advised the community were not resistant to change.

Councillor Morton advised that the proper process had not been applied and that residents had not received 7 days notice of the hearing but despite that residents had turned up today in force. She asked that Members consider the needs of

the community, that they were not being awkward and were not resistant of affordable housing. She advised there was a need for good quality, affordable and social housing integrated well into the community.

She referred to other social houses and flats not far from here and that it would take 8 or 9 offers before people would take them. She advised that you need the right kind of social housing and that it was critical that it integrated well into the community that that we should not go wrong with this as was the case in the 1960s. She advised that this proposal would have a considerable impact on Helensburgh. The site bordered the main road into Helensburgh from Dumbarton and would have an adverse impact on this key entry point. She advised that the application was materially different from the Local Plan, the Masterplan and the Dickie Homes application. Members have been told that it is in line with these but it is not, it is difference in two significant ways. All of these envisaged affordable or social housing as 25% of the whole site in an integrated fashion. This application is for 100% social housing all in one corner with no knowledge of what will happen on the remainder of the site. The possibility of a new swimming pool and/or supermarket still remains. The proposal is also significantly different in that these plans all envisaged symmetrical, balanced blocks of flats on either side of the approach into the site creating a sense of place and a presence. Not what we have here – lopsided, unbalanced with a real risk that what will later go on the other side of the approach road will either not match this design or will create an even more dominating impact on the main approach into Helensburgh.

Councillor Morton advised that the planning condition for the new road did not meet the six tests that the Government says should be met in that it is neither proportionate nor enforceable. The Council are in breach of its own consent attached to the new Academy approval in 2005. Now all the houses will be built before the road is started and option to have even this changed/removed is there in wording of condition. She asked how the Council will enforce the condition once the houses are built. Her understanding was that the Applicant here today was not particularly keen to commit to building this road so there was no guarantee that this condition would be met.

She advised that yes we want affordable housing but that this was not the way to deliver it. She advised that Colgrain was not a community of objectors. She advised that this was a premature application for a tiny part of the site and asked that it be refused.

Councillor Vivien Dance

Councillor Dance advised that she had never before been opposed to housing or development of housing and like Councillor Robb spoke on behalf of the 49 families that wished to live in Helensburgh and that she was here to defend their right to an integrated approach to housing.

She advised that development of the site had been mishandled by the Council and referred to the problems which had occurred in demolishing the Academy. She referred to the approved Masterplan and referred to the community not being opposed to it and that it all depended on the question asked which she read out. She advised there was no question of agreeing that part of the site would be given to social housing and not be integrated. She advised that she

was on the PPSL Committee when the John Dickie Homes application was approved and that it was important to look at the history of the site and that there has been a lack of consistency applied to it. Councillor Dance referred to the contents of the planning report for the John Dickie Homes application and that a lot of emphasis was on the design of the site. She advised that planning were using the same policies today to say that they can now put housing on part of the site and the rest at a later date. She advised that at that time Helensburgh Community Council had opposed the development and that she was surprised that they now supported this development. She advised that nothing has changed since the John Dickie Homes application and that planning policies had not changed. She referred to PAN 74 which refers to affordable housing. She advised that affordable housing should be indistinguishable from other housing. She advised that planning were not applying consistency to their approach. She referred to community reservations and concerns and that the planning system should engage all interested parties as early as possible. She referred to people living in the community and that planning policies were not being delivered to them. She advised that the only thing driving this development was finance. She advised that the Council carry a great deal of responsibility for what can happen here. As of this morning the Council has not marketed this site and that there were interested developers out there. She advised that this premature application was being driven by finance. She referred to comments on the planning report that *"in terms of the current proposal it was unfortunate that the entire brownfield site was not up for consideration as a single unit, as then the potential for distributing the affordable housing in pockets across the site could be investigated. The desire to pursue the affordable element of the development as an initial phase is prompted by funding considerations and the short term availability of government funding for the development"*. She referred to the new PPSL finding its feet and that it would be easy to go with the planning recommendation rather than find a competent motion to refuse. She advised that there were grounds for refusing advising that there was a lack of consistency of approach, lack of real community engagement and that the proposal did not satisfy national planning guidance and that there must be another way to ensure the RSL secure this funding.

MEMBERS' QUESTIONS

Questions to Planners

Cllr Kinniburgh asked if this proposal had come forward as an application for the whole site would the Masterplan need to be followed. Sandra Davies advised that the Masterplan was an indicative document.

Councillor Trail asked whether the Masterplan and current application coincided. Sandra Davies advised that the Masterplan did not carry the same weight as the Development Plan and that the Masterplan supported the Development Plan.

Councillor McNaughton referred to the PAN 2/2010 document where it states that affordable housing ought to be, as far as possible, indistinguishable from the general mix of other houses etc. and asked if they agreed that in this development the affordable homes would be indistinguishable. Richard Kerr advised that part of the affordability element was in constructing low cost buildings which doesn't afford the luxury of providing every occupant with a large garden and that it was inevitable that there would be some element of flatted

property within a scheme of this sort and that indeed the John Dickie Homes proposal included flatted properties.

Councillor McNaughton asked if the development was driven by finance. Richard Kerr advised that there was a mix of types of units in this development. In terms of affordable housing provision as a single phase in advance of the development of the remainder of the site, we are where we are. In the normal course of events, the whole site would have been acquired by a private developer with part of the site providing affordable housing. But we are not in that position as there is no private developer. He advised that the first developer to come along has been an RSL dictated by the short-term availability of government funding. That is why this development is being considered in isolation as a first phase and why the affordable housing is not spread across the whole site and the development is therefore to a degree is led by funding availability.

Councillor Colville referred to supporting information and asked why an environmental statement was not required as he seemed to remember bats being a problem when the Academy was being demolished. Richard Kerr advised that bats were associated with trees and buildings and that there were currently neither on the site, so protected species was not an issue in this case.

Councillor Colville referred to there being a flood risk and drainage impact assessment report being done and asked why there was no other assessments such as retail impact assessments or traffic management plan. Richard Kerr advised that traffic analysis was carried out along with the flood risk and drainage impact assessment report.

Councillor Colville referred to there being a lot of attention paid to the design but felt that the semi-detached houses were 'bog standard'. He asked why lead was being used in the design of the flats instead of, for example, zinc, and also referred to the wheelchair access bungalow and asked whether all new housing required to be wheelchair accessible. Richard Kerr referred to the design of the houses and that over the years housing associations tended to develop bespoke schemes to fit the requirements of individual sites and that they tended to be cutting edge in terms of design including, for example, mobility houses and energy efficiency measures. He referred to the significant cuts in funding for housing associations and that for this reason there was likely to be less flair in design in future. He referred to much criticism of the original design of the flats and that the Applicant had been asked to spend more time looking at the design to have something aesthetically more pleasing. He advised he did not know why lead was being chosen over zinc for the roof but perhaps the applicants could explain their reasons for this. He advised that in terms of mobility access planning did not control the layout of interiors and that this was covered separately by the Building Regulations.

Michael Jarvis referred to the Government Document – Housing of Various Needs and in terms of housing there were 3 types, standard housing, ambulant housing and full wheelchair access housing. He confirmed that all the units, apart from the wheelchair access bungalow, would be ambulant housing. He referred to the material on the roofs and advised that lead was just a suggestion at this time.

Councillor Hall referred to comments that the flats were not consistent with other housing in the area and also to the suggestion that the Council's Estates department had not marketed the site fully which has now limited options for the site. Richard Kerr advised there was a lot of situations where flats have been mixed with single and 2 storey properties and referred to others areas in Helensburgh and that this was not uncommon. Richard advised that he could not comment on the actions of the Estates Department in marketing the remainder of the site. No doubt if times were different we would be looking at an application from a private developer. Currently there is no proposal for development of the rest of the site and Members have to consider this application as a stand alone proposal.

Councillor Freeman referred to wheelchair access not being an issue for planning and that it would be for building standards to determine and assumed that the application was complying with the regulations and asked if the buildings complied with the Council's design guidelines. Richard Kerr advised that in terms of room sizes, entrance door widths, ramps and access points these were all dealt with by the Building Regulations and did not form part of planning considerations. The only planning considerations were external matters e.g. disabled car parking which still overlapped with Building Regulations in some cases.

Councillor Kinniburgh referred to condition 8 in respect of completion of the link road and that he had concerns with this. He asked how enforceable this condition was. Sandra Davies advised that the link road was necessary and was a condition of the John Dickie Homes proposal which did not go ahead. She advised that the timescale of 12 months was to allow for some flexibility as a mainstream developer may have emerged for the remainder of the site by then and that this would ensure that construction of the road could take into consideration development of future phases. If push came to shove and no mainstream developer came forward, the link road would still be a requirement of this application and would be provided.

Councillor Kinniburgh asked if a mainstream developer came in after 11 months and had a proposal which did not see fruition for a further 6 months then this road would not be constructed 12 months after completion of the current development. Sandra Davies replied yes but explained that it was a more sensible approach in order to accommodate the layout of any other developer that may come along.

Councillor Taylor asked how enforceable the condition was. Sandra Davies advised that enforcing this condition would be an issue as the Council owned the land. She advised that timescales for development of the road could be part of condition of sale of land to Dunbritton.

Councillor Colville advised that what was being said about the road was confusing and couldn't a section 75 agreement be used to secure the link road. Richard Kerr advised that a section 75 legal agreement was not appropriate as the land owner as well as the applicant has to agree to it and as the Council is the landowner we cannot enter into a tripartite legal agreement with ourselves.

Councillor Kinniburgh referred to the 3 and 4 storey units in the previous application and asked Planners if it was their view that these buildings would

have been a focal point at the entrance to the development. Sandra Davies replied yes that was the rationale for the John Dick Homes development.

The Chair ruled and the Committee agreed to adjourn the meeting at 1.00 pm for 30 minutes.

The Committee reconvened at 1.30 pm.

Questions to Applicant

Councillor Kinniburgh sought and received clarification on the location of the various photographs of buildings in Helensburgh which were part of the Applicant's presentation.

Councillor Colville asked how the Applicant had arrived at the breakdown of different types and sizes of units. He asked if the development was being driven by cost and also referred to policy LP ENV 19. He asked if the Applicant could justify that the design met with development setting and development layout and design. Gregor Cameron, Consultant for the Applicant, advised that Dunbritton Housing Association worked closely with Argyll and Bute Council to ascertain the housing demand for an area and from that a balance of the types of houses are decided on within the parameters of funding available.

Michael Jarvis referred to the Masterplan and that this was the footprint he was advised to work to and that the layout of the site was adhering to the Masterplan. He referred to the John Dickie Homes development. He advised that the original scheme, which had been rejected, looked at the Architecture in the area. He referred to consultation with Helensburgh Community Council and local residents.

Councillor Trail referred to there being large areas of green space and that it was important to keep these well tended and asked how these will be maintained. Anne Marie McCann advised that Housing Association common ground was maintained by common ground contractors.

Councillor Currie asked would the Applicant's agree that if the whole site was under one developer there would be nothing to stop that developer just building 30 or 40 houses now and leaving the rest of the site for development for another 20 years. Gregor Cameron replied yes – in the current climate if a developer was interested in the whole of the site affordable housing was likely to be put in place first.

Councillor Freeman referred to the allocation of £2m from the Scottish Government towards the development and asked what the total value of the development was. Gregor Cameron advised that the total would be in the region of £4.6m.

Councillor Freeman asked what would happen to the Scottish Government funding if the development did not go ahead. Gregor Cameron advised that the funding would be used to fund slippages in other projects elsewhere in Scotland.

Councillor Freeman referred to comments about 'bog standard' units and asked if the Applicant knew what a 'bog standard' unit was. Gregor Cameron advised

he could not comment. He advised that the design element on the site was higher than on other sites. He advised that there were funding constraints but the development was anything but 'bog standard'.

Councillor Freeman referred to numbers on the housing waiting list. Gregor Cameron advised that the figure of 491 given in their presentation referred specifically to the waiting list for Helensburgh.

Councillor Freeman referred to Councillor Morton referring to people moving to Helensburgh and asked was it not the case that the majority of the units would be allocated to people already living in Helensburgh. Anne Marie McCann referred to RSL legislation and that waiting lists were open and that anyone can apply for a house unless there are any local allocation restraints put in place. RSLs allocate properties to those in need off the housing waiting lists.

Councillor Freeman advised he was aware of the legislation and policies but stated that the norm, as far as he could see, would be that people in the area normally take most of the allocation in new developments. Anne Marie McCann agreed that the vast majority of allocations went to local people.

Councillor Freeman referred to the size of the properties being in line with housing demands and housing needs assessment and asked if the development reflected the housing need within the area. Anne Marie McCann replied yes.

Questions to Consultees, Supporter and Objectors

Councillor Trail referred to Councillor Dance making great play of us being unable to assess the quality of this site against the quality of the rest of the site and asked surely this applied to Councillor Dance too and asked what evidence she had that this development would be inferior to the rest of the site. Councillor Dance advised that she was quoting current planning policy and in respect of the John Dickie Homes development it was virtually impossible to differentiate between the affordable homes and the private homes. She advised that the debate in 2008 focussed on that. The main ethos of that meeting was that there should be no discernible difference between affordable and private housing. She advised that during the lunch break she had received a phone call from a developer stating that no one had tested him and no one has given him a chance to buy the site.

Councillor Freeman advised that if this application was approved today could Planning take this on board when another application came forward for the rest of the site to ensure that the second phase was likely to achieve as far as possible development that was indistinguishable. Richard Kerr replied yes and that it was not uncommon to deal with a phased development in which case the design of the first phase would usually set the tone for the remainder of the development.

Councillor Kinniburgh asked was Richard saying that if this development was approved would it become a material consideration for development of the rest of the site. Richard Kerr advised that he was not saying that further development had to replicate first phase but would take it into account. There was a need to be careful in terms of design and uniformity unless you were looking to achieve a completely uniformed environment, which is generally

undesirable.

Councillor Colville referred to the Masterplan for the site and that the original plan had an attractive gateway and asked if Planners could give him confidence this will be reflected in future development. Richard Kerr advised that before the entire site was being developed by one developer. We have no idea which sort of development a future private developer may want to put on the site or the type and mix of properties they may want to provide. At the end of the day subsequent phases would require planning permission and Members would have the opportunity to be part of that process.

SUMMING UP

Planning Authority

Richard Kerr referred to planning legislation and the need to determine applications in accordance with provisions of the development plan unless material considerations indicate otherwise. The Local Plan is clear that this allocation has the capacity for 160 dwellings with a minimum of 25% affordability and that this proposal for 49 dwellings was compliant with policy and the assumption is that it should be granted planning permission. There was the need to focus on the following material planning considerations if Members were minded to refuse on the basis that it is felt that the development was so insensitive and so incompatible with surroundings as to warrant refusal:-

- Planning permission was granted for the whole of the school site similar to this proposal which is a material consideration.
- The Council Executive approved the Masterplan following public consultation.
- The views of consultees raising no objections
- Design and layout of development – planning's view is it meets Council's normal standards
- Views expressed by third parties – the numbers of which had prompted this hearing today. Much discussion has been around design and the aesthetic of the development.

The Officers' view was that the proposal did accord with policy, that the design and layout reflected the Council's Masterplan for the site and that the details were in all other respects acceptable, including their relationship with existing properties..

He referred to the issue of the affordable housing in single phase and in single location. He advised we sit today faced with an application for initial development with funding in place, no private element and no realistic opportunity to have affordable housing spread across the site.

He referred to the 3 and 4 storey flats in the John Dickie Homes proposal and advised that the relationship between those flats and adjoining houses approved as part of the Dickie scheme would be no different to the relationship between the three storey flats proposed today and the existing properties adjoining the site. He recommended granting the application having regard to the residential allocation of the land and the previous planning permission.

Applicant

Gregor Cameron advised that Dunbritton Housing Association feel in regards to the design that detailed consultation was undertaken with the Council, Roads and SEPA; that the quality of the design was high within a constrained budget; and that it conforms with the Masterplan. He advised that the development of 49 affordable units will meet demands in the area. He referred to the location of the homes and advised that Dunbritton Housing Association had been in discussion with John Dickie Homes at the time of their proposal and that their plan was for the affordable housing to be sited in the one area and not pepper potted about. He referred to Dunbritton making a bid for investment funding and the high housing demand for affordable housing and advised if they had waited for a private developer they would not have been able to develop the affordable housing. He referred to the meeting with Helensburgh Community Council and local residents who accepted the design after consultation.

Statutory Consultee

Campbell Divertie referred to the need for the roundabout and the link road which would be covered by conditions and that it would not be in interests of the Applicant to breach these conditions. He advised that the link road would be able to be provided in a reasonable timescale if another developer came along.

Supporter

Councillor Robb advised that the PPSL Committee were required to deal with the application before them today. He referred to various red herrings brought up by the objectors. He referred to the design of the social housing which did not look like social housing to him and that you would not be able to tell the difference between it and luxury properties. He referred to the word "indistinguishable" and asked indistinguishable from what? He also referred to comments about development of the rest of the site and the commercial market.

He advised that if the application was refused 49 families would have to wait at least another year before housing became available. He referred to the objections and commented that the last time there was an affordable housing development was the Logie Baird development at Kirkmichael when there were no objections. He referred to the reality of providing social housing and that bungalows were expensive to produce. He advised that no one has mentioned employment. He referred to 491 people being on the waiting list which was the immediate figure and that the local authority had to plan beyond that and this was the first significant step to address this problem. He advised that Helensburgh was a very welcoming place. He referred to talk of a competent motion to refuse the application. He advised he has been told there is a competent motion to refuse but no credible competent motion to refuse which could lead to it being overturned on appeal. He advised Members to ignore red herrings and hoped they would not deprive 49 families of a decent place to live.

Objectors

Robbie Don

Mr Don advised that the main point is that right now the fact that funding is

available is the main driver. If the proposal goes ahead now it would be much more difficult to get a mainstream builder to complete the rest of the site and asked would he be able to sell homes on the rest of the site and stated this was a big issue.

Iain Cameron

Mr Cameron advised that Colgrain was always part of Helensburgh but apart from Helensburgh. He advised he had heard nothing said that can't get away from that simple fact that the proposal does not sit well with what is already there. He advised he was at the meeting Michael Jarvis referred to advising that we agreed. Mr Cameron advised this was not the case and what was said at the meeting was that the new design was better than what was previously proposed but it had not been accepted. He advised there was a need for the affordable housing to be spread across the area and that the people who live in the social housing have as much right. He advised this proposal will create a natural barrier and make it difficult for people to integrate and be part of the community.

Frank Hart

Mr Hart advised he had nothing further to add.

Richard Dickson

Mr Dickson asked Members to look at the main approach to Helensburgh. He advised this was a standalone project and not integrated. He referred to the Hermitage Academy and Waitrose developments being sympathetic in approach and that it was unknown what was going to happen to the site as a whole.

Councillor Morton

Councillor Morton referred to Councillor Freeman stating that she had referred to people moving into Helensburgh and advised that she did not say that and that it doesn't matter where people came from. The issue is the right sort of housing development. Councillor Robb referred to getting families out of bed and breakfast accommodation and advised that the last time she checked there were no families in bed and breakfast accommodation and that the Council had got away from this. She referred to a lot of talk of speculation. She advised that what we want is good affordable housing and what goes on the site will be there for 50 years. She referred to the housing built in the 1960s and those houses being demolished 20 years later. She advised we must not make the same mistakes. People who live in these houses will have to live with the mistakes. She advised that the proposal was driven by funding. The Council could have marketed the site and made it cheap enough for a developer to afford. She advised that the issue of flats in the Masterplan was misrepresented. The Masterplan flats were balanced with flats on both sides of the site and the flats in the Masterplan were not in isolation. This current proposal was for 2 blocks of flats on one side and nothing on the other. Members should also consider lack of certainty around provision of the link road and there was a need for the link road to be tied in to the development as the Community have already waited 7 years for the link road. She asked Councillors to consider what impact this proposal would have on the community and asked that the application be refused.

Councillor Dance

Councillor Dance referred to Helensburgh Community Council and the suggestion that the Applicant had had discussions with Helensburgh Community Council and stated that they only had a discussion with a small group of Helensburgh Community Council (the planning group). She advised that objectors did not agree with the minutes of that meeting. She referred to the contents of Helensburgh Community Council's representation in respect of the John Dickie Homes application. She advised that not enough emphasis had been placed on the strategic importance of this site. She noted that Richard Kerr had stated we were looking at an isolated development. Members can only look at the application before them on its own merits. She referred to the Masterplan which is for the whole site and an indicative layout. The Masterplan does not support this development as the Masterplan is for the whole site. She referred to the site being held over as Planners had visions of a swimming pool being sited there. There are developers who may have an interest but have not been given the opportunity to purchase or enter into discussion with Council. Council have an absolute vested interest in the site. It was a great pity Dunbritton have entered into conversation with the Council but other developers have been not been afforded this opportunity.

Members should be mindful of what we could have had based on the previous application. She advised that Planning was not about families, planning was about land use and building buildings on that land. She asked was this an appropriate use of the land. She advised that negotiations could be undertaken with the Scottish Government and RSL for continuation until debate opened up with a local or national developer. The affordable element for the developer has been removed and they could come forward with a joint project. Councillor Dance asked that the application be continued to allow these discussions to take place.

The Chair asked all parties to confirm if they had received a fair hearing and they all confirmed this to be the case.

Councillor Morton confirmed she had no issue with the conduct of the hearing but did raise the issue of number of days notice of the Hearing given to interested parties and also advised that there had been an error with the web link on the letter sent.

Councilor Dance advised that it would have been helpful if it had been made more clear to objectors that they needed to advise at the start of meeting if they wished to speak.

DEBATE

Councillor Kinniburgh stated he had concerns about the application - the phasing of the development and development of the link road. He also had concerns about the use of the Masterplan which was indicative and was concerned that the application was driven by funding. He referred to the flatted development and that the flats in the Dickie Homes development formed a gateway into the site. He also advised he had concerns about the design being incompatible with the surrounding area and stated that he would be putting forward a motion for

refusal.

Councillor Freeman acknowledged that it was Councillor Dance who had referred to people wishing to move into Helensburgh and not Councillor Morton. He referred to Councillor Dance's comments about Helensburgh Community Council's submission in respect of the previous application and advised that this was a different application before Members for consideration and that it was not competent to consider previous Community Council comments today. He referred to the comments about the Masterplan relating to the whole site. He advised Members were only looking at the affordable element of that phase. He referred to concerns raised about Dunbritton Housing Association having spoken to Argyll and Bute Councillors and advised that all RSLs speak to the Council to ensure compliance with the housing needs assessment and other policies. He advised it has been made clear the proposal is compliant with the Development Plan and the Masterplan which was approved by Councillors. He referred to Dunbritton Housing Association consulting with Helensburgh Community Council and local residents. He referred to the greatest housing need being in the Oban, Lorn and the Isles and Helensburgh and Lomond areas of Argyll and Bute and that this site was the biggest zone site for housing in the Helensburgh and Lomond area. He advised that if the application were approved 49 families would have access to high quality rental accommodation and that £2m will go elsewhere in the country and not stay in Argyll if the application was refused. He advised of there being no reference made to the local economy and stated that this development would benefit the local economy, as it would bring jobs into the area during the development phase which has got to be welcomed. He advised that it has been stated by Officers that the application must be considered against policies in the Local Plan. He advised there was no reason to depart from the Local Plan. He advised that he had no doubt if the application was refused it would go to appeal and that the Scottish Government would uphold appeal as it complies with the provisions of the Local Plan. He advised that the Council would be shifting the decision on this development to another and that there was no material reason to ignore the Local Plan. He advised that it has been stated that everyone supports affordable housing and that he agrees with them. He advised that Councillor Robb confirmed he didn't think it would be possible to bring a competent motion that would not be thrown out by the Scottish Government. He advised of moving away from the previous application and the reduction of 4 storey to 3 storey flats being a major improvement. He referred to comments about a 'bog standard' development and stated that he didn't know of any development by a RSL that use the same designs and didn't agree with reference to a 'bog standard' application. He advised that at the appropriate time he would move the Officer's recommendation.

Councillor Trail advised that Councillor Dance was right about planning being about land use. He advised that the site was suitable for housing and that, personally, the design was fair and that he respected that other people may chose not to like it. Personally, he advised that he didn't like the Hermitage Academy design. He referred to comments about the development being driven by funding and advised that for any development funding would be a key issue and that this was no different. He advised that the development was driven by social need and that this addressed the local need and so he would be supporting the planner's recommendation.

Councillor Currie advised we were not here to be popular but were here to judge

an application on planning terms. He advised that this application was consistent with the Local Plan and was supported by the Masterplan and there was no way we could go against that. He advised that a lot has been said and that people were talking about people who would be going into those houses. He stated that there was no difference between people in rental accommodation and those who were able to purchase their homes. He advised that he was annoyed when it was implied that people in rental accommodation were different when they were not. He advised that if this site had been bought by one developer they could still develop 49 homes and then leave the rest of the site for another 20 years. He advised that the proposal was consistent with the Local Plan, supported the Masterplan and that he would not hesitate to support the application.

Councillor Blair advised that he had listened intensely to the discussion. He advised that he liked the design and that this was an exciting design. He advised that it was a great opportunity for people in Helensburgh that need accommodation and that he supported the application.

Councillor Colville advised that this was a hard decision and that there were two key issues. He stated that Helensburgh had a vision for this area and that this was not an ordinary housing allocation. He advised that he would like to hear Councillor Kinniburgh's motion before making a final decision.

Councillor McNaughton drew attention to the assessment that affordable housing should be indistinguishable and of a mixed development. He advised he was disappointed with the set up, but could not see a way for it to be refused so he would need to support the application.

Councillor Kinniburgh advised that Councillor Freeman was making an assumption that any Appeal would be successful.

Motion

The proposal is for the erection of 49 units for affordable housing consisting of 2 three storey flatted blocks incorporating 36 units, 12 two storey semi-detached houses and one bungalow. Although within an established residential area the site is at a prominent location adjoining the A814, one of the two key access roads into Helensburgh. The adjacent residential properties are modest in character primarily comprising detached and semi-detached houses with pitched roofs some 4.5 metres high and, immediately to the west, set back some 20 to 30 metres from the A814. The proposed flats have a mix of finishes, an irregular pattern of fenestration and a mix of different roof styles and pitches. Block 1 (Plots 1-15) is 10.5 metres high, 38 metres long and set back 16 to 18 metres from the A814. Block 2 (Plots 16 to 36) is 10.5 metres high, 55 metres long and sits some 50 to 87 metres back from the A814. As such, with their greater massing and scale in comparison with existing housing, mix of finishes, an irregular pattern of fenestration and a mix of roof styles and pitches, they will be overbearing in the street scene and will unacceptably dominate and poorly integrate with the existing wider residential fabric. Given their prominent location, particularly in relation to Block 1's proximity to the A814 at the front of the site, they will be visually intrusive, visually discordant and will not be compatible with development in the surrounding area. The proposal is therefore contrary to the Policies LP ENV 1, LP ENV 19 and Appendix A of the Argyll and

Bute Local Plan which require that new development be of a high standard of design that integrates and is compatible with development in the surrounding area.

The Proposal is also against PAN 2/2010 paragraph 32, part of which states that affordable housing ought to be, as far as possible, indistinguishable from the general mix of other houses on a site in terms of style and layout, use of materials, architectural quality and detail and, therefore, does not accord with Policy LP ENV 1 (H) of the Argyll and Bute Local Plan 2009 and therefore planning permission should be refused for the foregoing reasons.

Moved by Councillor David Kinniburgh, seconded by Councillor Fred Hall.

Amendment

To agree to grant planning permission subject to conditions and reasons (1 – 9) detailed in report of handling.

Moved by Councillor George Freeman, seconded by Councillor Richard Trail.

The Amendment was carried by 7 votes to 4 and the Committee ruled accordingly.

Decision

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 13/4/12 and the approved drawing reference numbers L(20)002, L(20)004A, L(20)006C, L(20)0011, L(20)0012, L(20)0014, L(20)0015A, L(20)0016A, L(20)0020, L(20)0021, L(20)0023, L(20)0024, L(20)0025, L(20)0026, L(20)0030, L(20)0031, L(20)0033, L(20)0034, L(20)0035, L(20)0040, L(20)0041, L(20)0043, L(20)0045 and C1213.001A 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.

2. Prior to development commencing, details for the provision and maintenance of areas of communal open space and equipped play area(s) identified on the approved plans, shall be submitted to and approved by the Planning Authority. The details shall comprise:
 - i) Provision to satisfy the minimum standards set out in the Development Plan; 6sqm of equipped play space and 12sqm of informal open space per dwelling unit;
 - ii) Specification of play equipment to be installed, including surface treatments and any means of enclosure, designed in accordance with the provisions of BS5696 (Play Equipment Intended for Permanent

- Installation Outdoors);
- iii) Proposals for the timing of the implementation of the play area(s) in relation to the phasing of the development;
 - iv) A maintenance schedule for communal open spaces and equipped play areas in accordance with the provisions of BS5696 including details of on-going inspection, recording and procedures for detailing with defects.
 - v) the communal open space and equipped play area(s) shall be provided in accordance with the duly approved details and shall be retained and maintained to the specified standards thereafter.

Reason: In order to secure provision of communal open space and equipped play areas within the development in accordance with the minimum standards set out in the Development Plan.

- 3. Prior to the commencement of development, a Method Statement detailing how surface water is to be contained during the construction phase on the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the duly approved details.

Reason: In the interests of flood prevention.

- 4. The dwellings hereby approved shall not be occupied until such time as the access roundabout approved under planning application reference 12/00417/PP has been completed and brought into to use as part of the public road network to the satisfaction of the Planning Authority in consultation with the Road Network Manager.

Reason: In the interest of road safety.

- 5. Prior to commencement of development a scheme of boundary treatment, surface treatment and landscaping shall be submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:
 - i) Existing and proposed ground levels in relation to an identified fixed datum;
 - ii) Existing landscaping features and vegetation to be retained;
 - iii) Location design and materials of proposed walls, fences and gates;
 - iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
 - v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

6. Notwithstanding the effect of Condition 1, no development shall commence until samples of materials to be used in the construction of external walls, roof coverings and boundary walls have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

7. No works in connection with the development hereby approved shall take place until a Waste Management Plan for the site has been submitted to and approved in writing by the Planning Authority. This plan shall include details of the arrangements for the storage, separation and collection of waste from the site or roadside collection points, including provisions for safe pick up by refuse collection vehicles. The approved waste management proposals shall be carried out in complete accordance with the approved scheme.

Reason: To ensure that the waste from the proposal is dealt with in a sustainable and safe manner in accordance with the requirement of Local Plan policy LP SERV 5.

8. The proposed link road connection to Collins Road as shown on the approved plans shall be completed to the satisfaction of the Planning Authority no later than 12 months following the occupation of the first residential unit unless otherwise agreed in writing with the Planning Authority.

Reason: In order to achieve an acceptable phasing for the completion of the link road.

9. The development hereby permitted shall only be implemented by a Registered Social Landlord (a body registered under part 3 chapter 1 of the Housing (Scotland) Act 2001, or any equivalent provision in the event of the revocation and re-enactment thereof, with or without modification) and shall not enure for the benefit of any other person, company or organisation.

Reason: To ensure the provision of affordable housing to the standard required by the development plan in the absence of any other agreed means of securing such provision.

(Report by Head of Planning and Regulatory Services dated 20 July 2012 and Supplementary Report Number 1 dated 20 August 2012, submitted)