

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the MAIN HALL, VICTORIA HALLS, HELENSBURGH  
on TUESDAY, 17 SEPTEMBER 2013**

**Present:** Councillor Sandy Taylor (Chair)

Councillor Robin Currie	Councillor Robert G
Councillor George Freeman	MacIntyre
Councillor David Kinniburgh	Councillor Alex McNaughton
	Councillor James McQueen

**Attending:** Patricia O'Neill, Central Governance Manager  
Lesley Montague, Solicitor  
Sandra Davies, Senior Planning Officer  
Howard Young, Area Team Leader – Helensburgh & Lomond  
Matthew, MacAulay, ACHA – Applicant  
Yvonne, Litster, ACHA – Applicant  
Stewart Earley, Applicant's Agent  
Neil Ferguson, Applicant' Agent  
Campbell Divertie, Roads Technical Officer  
Hugh Millar, Helensburgh Community Council  
Heather Craig, Objector  
Rosemary Payne, Objector  
Kenina MacLeod, Objector  
Alan McCandlish, Objector  
Joyce Wideman, Objector  
Kenneth Smith, Objector  
June McMurdo, Objector  
Anthony Duda, Objector  
Tony Dance, Objector  
Councillor Vivien Dance, Local Member - Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Gordon Blair, Rory Colville, Mary-Jean Devon, Donald MacMillan and Richard Trail.

**2. DECLARATIONS OF INTEREST**

Councillor George Freeman declared a non financial interest in respect of planning application reference 13/00566/PP as he had previously indicated his support for the proposed development. He left the meeting and took no part in the determination of this application.

**3. ARGYLL COMMUNITY HOUSING ASSOCIATION: ERECTION OF 12 FLATS: LAND AT HOOD COURT, HELENSBURGH (REF: 13/00566/PP)**

The Chair welcomed everyone to the meeting and introductions were made. The Central Governance Manager outlined the procedure that would be followed and those who wished to speak were identified.

**Planning**

Sandra Davies spoke to the terms of the report on behalf of the Head of Planning and Regulatory Services. Before commencing her presentation she advised Members of three late representations which had been received in respect of this proposal from Martin and Margaret Cornish, Lindsay Charlton and Emma Munro. She advised that these representations related to loss of car parking, road safety issues, design and loss of open space and did not raise any new issues which would be material to the determination of this planning application.

She advised that this planning application was for the erection of a block of flats comprising 12 units and that her dealings with the application stretched back to as early as 2008 when a scheme for 20 units was proposed. She advised that the number of units was reduced to take account of comments from planning and other statutory consultees. She advised that within this proposal 6 units were 1 bedroom flats and 6 units were 2 bedroom flats and that the site was located within the west end of Helensburgh on a site located between West King Street and Ardencaple Drive.

She advised that the site was a brownfield site and access to it was via an adopted road which ran past the rear of Hood Court. In terms of the adopted Local Plan she advised that the site was located within the settlement boundary of Helensburgh which was defined as a Main Town within this plan. The erection of 12 residential units was defined as “medium scale” within the Local Plan and was considered an acceptable scale of development at this location and therefore the principle of this scale of development in this location was considered acceptable. With this principle established she advised that consideration then had to be given to site specific issues such as design, amenity and parking etc.

She advised that 19 formal car parking spaces were proposed to serve the residents of the existing flats at Hood Court and that a further 21 spaces would be available to serve the new flats. Referring to slides she advised that the green areas represented areas to be turfed and she also highlighted the location of new trees to be planted.

She advised that a number of objections had been submitted in relation to this application which related to the loss of car parking for the residents of Hood Court and the suitability of the access to serve the new development. She advised that it was clear that the public road which provides access to the development was being used for parking and appears to be used mainly for parking bumped up on to the footway adjacent to the Hood Court building. She advised that the site has been

monitored by the Roads section since the initial pre-application enquiry in 2008 and on this basis it was considered that the provision of a further 19 compensatory spaces would be acceptable. She confirmed that the Roads Network Manager had advised that he had no objections to the proposal subject to conditions as the proposed access, parking and turning were acceptable and in accordance with Local Plan policy.

She referred to the design of the flats and advised that since the application was first submitted some minor amendments had been made to the proposal in terms of the finishing materials. She advised that a higher proportion of render had been added to the front elevation and metal cladding had been included at the entrance areas. She advised that a further design change incorporated a hipped roof on the rear elevation in order to lessen the impact on the flatted development known as Argyll View behind. She advised that the roof would be clad in grey concrete tiles and would have a 40 degree pitch.

She advised that it was considered that the proposed development fell within the definition of back land development.

She advised that during the processing of this application concern had been expressed about the development causing problems with sunlighting and daylighting at the flats at Argyll View. She advised that there were also concerns about privacy caused by some directly facing window to window distances having less than 18 metres separation. As a result of these concerns, she advised that the footprint of the building had been relocated by approximately 1 metre to ensure separation was in accordance with the distance stated within Appendix A of the Local Plan. The Applicants were also required to carry out a daylight and sunlight test in accordance with the British Research Establishment's publication "Site Layout Planning for Sunlight and Daylight". She advised that the initial test undertaken to determine the significance of this issue involved taking a 25 degree angle from the centre of the lowest window on the existing building and extending the line towards the new development. If this line clears the ridge of the proposed new building then the report advises that it can be concluded that there would not be a substantial effect on sunlighting and daylighting. She referred to a slide showing the plan that was submitted by the Architect to demonstrate that the proposal would pass this test. She advised that the Architect had taken the point on the existing building below the level of the window and so if this was raised to the height of the window the clearance would be even greater. She advised that this confirmed that there were no significant issues with the loss of sunlight or daylight.

She referred to a slide which highlighted the trees that would be removed from the site. She advised that a tree survey was carried out and that a total of 9 classified trees were recommended for removal on the survey due to issues of disease, crown shape and leaning trunks. She advised that the remainder could be retained but were classed as low quality. In these circumstances she advised that she took the view that their removal was acceptable in terms of Policy LP ENV 7 subject to the proposed compensatory planting.

She advised that 37 individuals have objected to this planning application and that all the points raised were summarised in the planning report and that these were considered prior to making a recommendation on this planning application.

In summary, she advised that the application site was located within the settlement boundary of Helensburgh where there was a presumption in favour of 'medium scale' residential development. The proposed site was in an acceptable back land location which could be developed without having significant impacts upon privacy and amenity. An acceptable level of landscaping was proposed which included a level of compensatory tree planting. Formalised car parking spaces were to be created for the existing residents of Hood Court along the access road and there was also an acceptable level of parking provision for the proposed development. She advised that all other Local Plan policies have been complied with and that there were no other material considerations including issues raised by third parties which would warrant anything other than the application being determined in accordance with the provisions of the Development Plan. She therefore recommended that the planning application be approved subject to the conditions detailed in the planning report.

### **Applicant**

Matthew MacAulay advised that he was ACHA's Regeneration Manager and that he was accompanied by Yvonne Litster, ACHA's Regional Housing Manager, Stewart Earley, Architect and Neil Ferguson, Engineer.

He advised that ACHA have completed the building of 63 new homes in the area. He advised that Hood Court was a great site close to the centre of town and amenities. He advised that the site was owned exclusively by ACHA. He referred to a consultation exercise which was carried out on garage sites across Argyll and Bute following the transfer of housing stock from the Council to ACHA. He advised that at this particular site no interest was shown in retaining the garages on this site. He advised that there were no house sales or leases with any rights on this site. He referred to ACHA meeting with the Community Council to discuss concerns. He referred to improved access and parking arrangements to and on the site. He referred to a tender having been approved for 12 units and advised that anything less than 12 units would not be financially viable. He referred to the funding arrangements in place for this development and advised that Hood Court was one of the core projects within the current Strategic Housing Investment Plan (SHIP). He advised that generally the SHIP was currently promoting small proposals for 1 and 2 bedroom properties. He advised that if the development did not go ahead the funding allocation would remain available for Argyll and Bute but could be taken out with Helensburgh. He advised that the proposal met important priorities of ACHA.

Yvonne Litster referred to housing demand and advised that there were currently 4,000 applicants on the housing waiting list across Argyll and Bute. She advised that 1,049 of those applicants were waiting to be housed in Helensburgh and in respect of the proposed development at

Hood Court 160 applicants were looking for a 1 bedroom flat and 124 were looking for a 2 bedroom flat.

Stewart Earley advised that he was from Coltart Earley Architects and that he has worked with ACHA for 7 years. He referred to the background of this proposal and advised that a feasibility study was first carried out in 2011 by others in consultation with Argyll and Bute Council Roads and Planning Officers. He advised that it was agreed that 12 flats would be viable and the main issues identified were the access road and parking and that Neil Ferguson had worked with Argyll and Bute Council Roads to come up with a road design that was to the satisfaction of Roads. At that point Coltart Earley were appointed as the Architects for this proposal and site options were again considered which came to the same conclusion that the only valid option was the proposal before the Committee today. He referred to the design of the building and referred to photographs showing the elevation of the existing flats at West King Street and the location of the site to be developed on and the location of the proposed buildings. He highlighted a slide showing the shape of the site which, he advised, limited the scope for the layout of the development. He advised that engagement was made with Roads from the start. He referred to slides showing the width of the site. He advised that this was a bespoke solution made for the site and that the buildings were narrower than the standard solution. He referred to slides showing 3D models of the buildings and advised that these demonstrated that the buildings were suitable in scale for the site.

Neil Ferguson advised that he was from Cowal Design Civil and Structural Engineers and that he has worked with ACHA for a number of years and that he has been involved in the design of car park layouts for a number of years. He advised that there was currently no designated car parking for the existing dwellings at Hood Court and that the proposal would include the provision of 19 car parking spaces for these existing dwellings and 21 car parking spaces for the proposed flats which would be in accordance with Roads and Planning guidance. He also advised that the proposal would open up a safe pedestrian area for access to the development. He advised of a new hammer head to allow turning for cars, emergency vehicles and refuse vehicles. He advised that the layout would promote slow traffic speed making it safer. He advised that the layout accorded with Scottish Governance Guidance on street design and Argyll and Bute Council Roads Guidance. He advised that from a drainage perspective this had been agreed in principle by the Council's Flood Officer and Scottish Water.

### **Statutory Consultees**

#### Helensburgh Community Council

Nigel Millar spoke on behalf of Helensburgh Community Council. He referred to the Community Council having two statutory roles; to express the views of residents in respect of particular planning applications and to express views and issues the Community Council thinks are of importance. He advised that Helensburgh Community Council have long supported affordable housing in Helensburgh and that they were delighted

with ACHA's proposal to produce an additional 12 flats for families. He advised that as far as residents were concerned they also supported the provision of affordable homes in the area. He advised that as far as residents were concerned many viewed with disappointment such a proposal at Hood Court and questioned why Jutland Court was not being used for affordable housing. He advised that Jutland Court was being held by the developer for their family in future years. He asked that the Council make every effort to enable Jutland Court to be brought to market for the provision of affordable housing at an early opportunity. He advised that a high number of objections have already been made in respect of this proposal. He advised that the objectors were not against affordable housing but they did have serious reservations about this development and that the key issues for them were parking, child safety and road safety. He advised that they had met with ACHA to express their views on this. He advised that it was recognised that the right to a view was not a material planning consideration but it was felt that the residents of Argyll View and West King Street were being overlooked. He advised that as far as the Community Council were concerned this was a legitimate objection and that every effort to come up with an amended design to reduce overlooking to Argyll View and West King Street should be made. He advised that if this planning application was approved then the consent should include a condition that ACHA go back and revisit the issue of overlooking particularly in respect of Argyll View and the owners of the adjacent properties at West King Street. He advised that this was a legitimate concern of the residents there and must be given due weight and attention.

He advised that as far as the Community Council were concerned they supported the provision of affordable homes but objected to the design of this development and advised that it was not acceptable. He referred to the high quality architecture in the town and advised that the Community Council supported developments that supported this high quality architecture. He advised that the Community Council had a long proven track record on making representations on design issues which had led to the improved design of the new Waitrose Store and the Dunbritton Housing development on the former Hermitage Academy site. He advised that the Community Council comments were not personal and that they had taken national policy and design guidance and Argyll and Bute Council policy and design guidance into account and produced a Helensburgh Design Strategy. He referred to the six design characteristics within this Strategy and that this proposal had been assessed and scored against these characteristics and that the proposal had scored 30% overall. He advised that the Community Council took their role very seriously and that they supported the provision of affordable housing. He advised that the overriding objections to this proposal were being overlooked by the developer and that they were valid objections. He advised that if the proposal was accepted then an additional two conditions should be added to the consent. The first to reduce the effect of overlooking on residents at Argyll View and West King Street and the second to ensure a more distinctive, good quality design.

## **Roads**

Campbell Divertie advised that the existing road behind Hood Court served the existing residents within the 36 flats and gave access to the car parking area. He advised that the access road was narrow, approximately 4 metres wide with the footway on the north side regularly used for car parking. He advised that this road including the turning area was only 120 metres long and was on the list of roads maintained by Argyll and Bute Council. He advised that he agreed that the road was in poor condition but maintenance had been held back on major repair works with the knowledge of the potential development proposed by the Applicant including road improvements. He advised that the proposal submitted in general increased the road width and that this varied between 4.6 metres and 5.5 metres and gave sufficient room for 2 cars without the need to bump up on the footway. He advised that the road improvements submitted were in accordance with the Scottish Government Policy "Designing Streets" and that these principles have been adopted along with the Roads Development Design Guide. In respect of car parking, he advised that like many of the objections he shared the same concern about parking for existing residents. He advised that early on in the consultation process back in 2008 he was unsure of the numbers. He advised that the original proposal was for 20 flats and he refused that proposal mainly on the lack of parking. He advised that over the years, however, the Applicant has continued to consider alternative proposals and he advised that he has visited the site on a number of occasions in the summer and winter both during the day and in the evening and at weekends and that he now had a clearer picture of the existing parking requirements. He advised, therefore, that provided the road widening and the parking spaces along the length of the existing road are in place before the new house building starts he had no objections to this proposal.

## **Objectors**

Councillor Dance sought permission to speak first before the other objectors instead of last as was the normal procedure and the Chair agreed with this request.

### Councillor Vivien Dance

Councillor Dance advised that she was sure all Committee Members approached these hearings with two main things in mind, was this an appropriate use of the land according to planning policies and what did the community feel about the development. She advised that she would like to support the community today in objecting to this application, not because she was against the provision of 12 new affordable homes, but because she believed that this was just the wrong place to build them and that the knock on effect would give rise to enduring practical problems for both new and existing homeowners and tenants. She referred to the earlier site visit and advised that she was sure it would have been obvious to the Committee what the difficulties were with this site and she advised that she would like to concentrate on three of those difficulties in planning terms; historical use, back land development and access. She advised that her fellow objectors would deal with parking, safety of children, trees and other matters including emergency services.

In terms of historical use, she advised that Hood Court was built by the MOD as married quarters in the 1960s and that the site at issue today was built as a car park and garage area for 60 homes, 36 flats that form Hood Court and 24 flats that form 158 and 160 West King Street, known as Ardencaple Estate. She advised that even though these homes were built 60 years ago, the MOD was a forward thinking developer and provided communal car parking when few serving personnel had cars. The decision to do this was taken as parking could not be provided near to the homes because of the topography of the site and to encourage cars to park off street, thus leaving the main King Street road clear for through access. She advised that the Council took over these homes from the MOD, many were sold to private homeowners and the remaining properties and the car park site was transferred to ACHA. When the flats were sold or transferred to the Council and then to ACHA no flat had integral off street parking for the historical reasons explained. She advised that although the garages on the site were demolished by ACHA, the land was still essential for off street parking for many of ACHA's tenants and flat owners. She advised that she disputed the fact that there was no interest in retaining the garages and advised that tenants were not encouraged to show an interest. She advised that in 2010 she was contacted as a local Councillor for the area as ACHA had determined to use the site to store building materials, portakabins and machinery for work they were doing on other sites in Helensburgh to refurbish property. She advised that this created havoc for Hood Court residents with serious parking issues, damage to council property ie the grass verges and road, and problems with access for Operational Services. Following discussions with ACHA she advised that it was agreed that as they were using a communal car park, had no planning consent for the portakabins etc, and they were creating problems for local residents with access and parking, they agreed to move from the site and did an excellent job in clearing this up. She advised that her file notes spanning April, May and June 2010 covered all of this. She advised that the site therefore had a recent well documented history showing what happens in the vicinity for residents when this site was not available for car parking and was put to another use which required access along a road that was not fit for purpose. She advised that the issue for the Committee to consider today was whether the Applicant was as forward thinking as the MOD was in the 1960s, when nowadays many of the local homeowners and tenants have not one but two cars, and these new homes can only be built if the people who already live in Hood Court are in future denied the essential off street communal parking currently available to them.

In terms of back land development, she advised that she disagreed with the Officer's assessment that "The proposed site is in an acceptable back land development location which can be developed without having significant impacts upon privacy and amenity". She advised that the proposed development would have a significant impact on amenity and was contrary to the Argyll and Bute Local Plan and provided reasons for this.

In terms of access she advised that the site for the new flats was landlocked with only one single access, incapable of allowing a car and a



lorry to pass unless the car was astride the pavement. This in effect meant that if cars parked legally on the road the bin wagons and other delivery vehicles would not be able to access the new flats nor the bins of Hood Court. She advised that it was Council policy that if a road was restricted the bin men were not obliged to enter the site and that on return to the depot they report the matter and it is then up to the resident to get their bin to the nearest kerb side which in this case was Cairndhu Avenue. She advised that to grant planning permission for these new homes was against the Council's own planning policy because it failed to maintain the amenity for the current residents and would condemn the new tenants to the right to have their bin emptied from the kerb nearest to their home and the right to be able to access their home by pavement from the nearest bus stop or main road way. She advised that of greater concern than any of these amenity issues was access for emergency vehicles, particularly fire and rescue services. She advised that access to this site could not meet the mandatory standards laid down for access for emergency vehicles and she advised that she was surprised to discover that this aspect of resident safety did not feature in the planning report and she understood that there has been no discussions with Building Standards in respect of the criteria the site will have to meet, and cannot, to get a Building Warrant. She referred to pedestrian access and advised that currently there was a problem with people access which was currently alleviated by the fact that there was another access to Hood Court and that this pavement was not well used at the moment but that this would change if the flats were built as it would be the only pedestrian access for the people who live there. She advised that this would also change when the law changed. She advised that at the moment vehicle access only worked because residents of Hood Court parked on the pavement. She advised that it was currently illegal to park on the pavement under Roads and Vehicles (Construction and Use) Regulation 1986 and that this was dealt with by Police Scotland if complaints were made. However, she advised that the current law required the complainant to provide evidence of the vehicle being driven which can be problematic so in January 2013 the Scottish Parliament agreed the right to introduce the Responsible Parking Bill which will enable the freedom of movement for all pedestrians by restricting parking at dropped kerbs, on pavements and double parking. She advised that this Bill has cross party support and the support of many charities as well as Scottish Fire and Rescue. She advised that the Bill will introduce national parking restrictions, will be enforceable by penalties and will become a major problem for those who park on the pavement adjacent to Hood Court. She advised that they will have to move to the communal car park to avoid these penalties. She advised that a well thought out plan to develop on this back land site would have involved ACHA talking to the owners of Hood Court and not just the Community Council and agreeing to purchase some of their land to enable road widening which would then have removed all the access problems that current and future residents will face if these flats are built. She advised that ACHA already owns quite a high percentage of the land needed to widen this road as many of the flats in number 1 are owned by them. She advised that she asked to see the evidence that the Planning Officer referred to when she stated "car parking has been monitored in this area over the years". Councillor Dance advised that no actual evidence exists and that the Roads Engineer only has the occasional site

visit as reference which was meaningless because residents could produce conflicting evidence from what they see daily, that this car park was well used by local residents. She referred to Jutland Court and advised that this was privately owned but that the owner of this site of 40 homes had offered all of it to ACHA or another RSL and that discussions had taken place both with the planning department and the Lead Councillor for Housing, Councillor Freeman, on the opportunity for 40 affordable homes to be delivered for the community by an RSL at a very early date. She advised that this site had no planning issues in respect of parking or access.

She advised that no one she has spoken to about this development has any issue with the provision of new homes and that this was not an example of NIMBY. She advised that there were real concerns about impact and cohesion and asked was this back land the right site for 12 of these new homes.

She advised that this application was clearly at odds with the Council's planning policy and that the development would not integrate into the community as it would create enduring day to day problems for everyone who came to live there. She advised that she was at a loss to understand why any RSL would wish to create homes in such circumstances and urged Members to listen to the local residents and take on board their real concerns and reject this application.

#### Heather Craig

Heather Craig advised that she was the owner of 191 West King Street, Helensburgh and that she objected to the proposed construction of the 12 flats on the land at Hood Court. She advised that the proposed development was 3 stories high with a pitched roof and that the flats would overshadow and reduce natural light accessing her property. She advised that the flats on the top floor of the development would overlook her property and that the residents of these flats would have an unobstructed view into her property grounds and through her windows which was detrimental to her personal privacy. She referred to Article 8 of the European Convention on Human Rights which was preserved in the UK by the Human Rights Act 1998. She advised that under this Act everyone had the right to respect for his private and family life, his home and his correspondence. She also referred to Argyll and Bute Council's planning policy relating to back land development which stated that "a development requires to be designed to maintain the privacy and amenity of the original property and allow for safe vehicular and pedestrian access". She advised that this policy was not being observed as she believed her privacy would not be as it was now if these flats were built. She advised that the proposed development would lead to loss of privacy and overshadowing of her property and could affect the enjoyment of her property and interfere with her human rights under Article 8. She also advised that if permission was granted for the proposed development, there would be a loss of amenity for local residents. She advised that the local residents used the proposed development site for parking and that it also provided a reasonably quiet area for children to play. She advised that loss of this area would enforce children to play in areas already busy

with traffic and would also mean that local residents would lose valuable parking spaces. She advised that the access road was very narrow and that one concern she had was that the increased volume of traffic would create a safety risk for people living in the area. She advised that the access road would open into Cairndhu Avenue close to a bus stop, public telephone and busy junction with West King Street and she advised that she thought that the increased volume of traffic would be a definite safety concern. She advised that there was no pedestrian access to the development in the plans and so access to the new development for pedestrians would only be along the access road. She advised that this would be dangerous for pedestrians. She also advised that the narrow access road with roadside parking could be problematic for access by emergency vehicles. She advised that it was for these reasons she objected to the proposed development and she asked the Members to consider her objection before making a decision on the planning application.

### Rosemary Payne

Rosemary Payne advised that she has been a local resident for over 40 years and has herself objected to this proposed development. However, she advised that today she was speaking on behalf of Mr and Mrs Bertrand who were unable to attend. She advised that the development did not meet the standards set out in Argyll and Bute Structure Plan 2002 Policy STRAT HOU 1 – ‘Housing development shall incorporate appropriate recreational/play/open space provision....’ and STRAT DC 1 – ‘Developments which do not accord with this policy [include] development which results in extremely high development densities, settlement cramming or inappropriate rounding off on the edge of settlements.’ She advised that it also did not accord with Argyll and Bute Local Development Plan Supplementary Guidance (SG LDP HOU 3 2.3.1) – ‘The provision of community space or amenity is important in residential developments, both in urban and rural areas, as it provides a formal outdoor space for the residents’ enjoyment. Such spaces are particularly important in high density developments where private gardens are limited and (SG LDP HOU 3 2.3.2) – ‘New developments will therefore be required to provide open space according to the standards set out in SG LDP HOU 3. She advised that this development allowed negligible space for recreational purposes or landscaping which contravened Argyll and Bute Local Development Plan 5.7.4. She advised that on her own behalf she felt she had to object to this proposal because she would have felt negligent if an accident happened in that area and she had done nothing to try to prevent it.

### Kenina MacLeod

Kenina MacLeod advised that she has lived at number 8, 2 Hood Court for 11 years and that she was here today to object to this proposed development based on concerns she had regarding access to the proposed properties, the impact this development would have on the local residents and the safety of all. She referred to the notes submitted by Mr Divertie of the roads department regarding this application and advised that she thought they were somewhat brief. She advised that there was

no mention in the report that the access road to the back of Hood Court and the proposed new development joined onto a main bus route very close to a busy junction. She advised that this corner was already difficult to negotiate with cars and vans regularly parked close to the junction on Cairndhu Avenue. She advised that this caused problems with visibility and that just finding the space to pass safely was often a challenge. She advised that she could only see these problems worsening due to the increased volume of traffic that this development would bring with it. She advised that in accordance with current planning regulations, the proposed development had an allocation of 21 car parking spaces for 12 dwellings. She advised that Hood Court had 36 two and three bedroom dwellings and if the same ratio was applied as per the current regulations then these 36 homes would be entitled to 81 spaces. She advised that this would be excessive but if one parking space was allocated per dwelling this would still entitle Hood Court residents to 36 spaces, almost double what has been given in the proposed plans. She asked where the residents of all 36 properties in Hood Court would park if, as proposed, they were left with only 19 parking spaces. She advised that the road in question was not designed to be used in the way that was proposed in the planning application, that is as the sole vehicular access route to 12 properties. She advised that it was essentially a single track road, built along with Hood Court itself back when it was not the norm for your average working family to own a car. She advised that none of the changes proposed to parking etc was going to alter this. She advised that due to the bottle neck caused by the gardens of properties on Ardencaple Drive, there was no way to widen it in order to allow two cars to pass each other. She advised that access was also a problem for pedestrians and that this small road was not just the only vehicular access to the new flats but also the only pedestrian route. Contrary to the Scottish Government 'Designing Streets' policy, she advised that there was very little space, especially where the bottle neck occurs and that at present the pavement was small and did not provide much scope for a mother with a pram and a toddler in tow to negotiate safely. She advised that the same could be true for anyone with mobility problems. She advised that the concern here was not only that the path was not suitable but also that tenants in these new flats may use the closes in Hood Court to shorten their path home. She advised that the community have fallen victim to the idea that every available space must be utilised for affordable housing, attempting to fit houses in where they do not belong. She advised that it was her opinion that this was an ill thought out proposal which had the potential to have a detrimental effect on the existing community.

### Alan McCandlish

Alan McCandlish advised that he has lived at Hood Court since 2001 and was also objecting on behalf of his wife. He advised that his objection was in relation to access for emergency vehicles and service vehicles. He referred to access for fire and rescue appliances and read out a statement regarding appropriate provision of access for fire and rescue vehicles and compared this to the provisions that were being made in the proposal. He referred to the minimum width of access for fire and rescue vehicles and advised that the site failed to meet this mandatory requirement. He advised that the new flats would not pass the standards required for a

Building Warrant. He also referred to the difficulty in accessing Hood Court by refuse vehicles.

### Joyce Wideman

Joyce Wideman advised that she has lived for the past 10 years at 16 Ardencaple Drive, Helensburgh and that her rear boundary fence lay along the line of the grass verge and access road of Hood Court. She advised that she had no objection to the provision of new homes but advised that they should not impact on the amenity and privacy she currently enjoyed. She advised that should this proposal be granted this would lead to the removal of the grass verge and the provision of parking bays primarily for the use of Hood Court residents, but also visitors to the flats. She advised that these parking bays would be placed directly along her boundary fence. She advised that she believed, along with the increased traffic on the access road, that the noise level would rise and, to some degree, her privacy would be reduced. She advised that in the past when work was carried out around Hood Court, her boundary fence was damaged and that she could not locate anyone who would take responsibility. She advised that her fence was replaced in its entirety just under 3 years ago and that to replace it today would cost in the region of £2,500 - £3,000. She advised that if this proposal was passed she would be extremely concerned about damage to her boundary fence whilst work was being carried out. She advised that she would expect that any damage caused by the contractors would be repaired to her total satisfaction without complaint and with no cost to herself. She advised that she would require this guarantee prior to any work commencing. Looking at the wider picture, she advised that she totally agreed with the concerns already raised and those which would follow from other speakers with regard to the access road and also the lack of adequate parking for residents of Hood Court. She advised that there were already signs on the access road warning that children were at play and that this was no hollow warning. She advised that she heard children on a regular basis playing on the only areas available to them and that those areas were the gardens that bordered the access road. She advised that her serious concern was that a child may be injured either during the building phase, or when increased traffic starts to use the access road. She asked would it not be better to improve the road surface of the access road, re-lay the pavement and provide some kind of recreational facility for the children as well as retaining the current car park that is needed by the residents of Hood Court. She advised that she believed this development was being shoe horned into a space that was never designed to be used for such a proposal and where the access road was not up to the task. She advised that the impact on the residents of Hood Court and those of the surrounding area had to be taken into account and that she urged refusal of this planning application.

### Kenneth Smith

Kenneth Smith advised that he and his wife owned 1/5 Hood Court and that they have lived there for 3 years. He advised that he was a Chartered Quantity Surveyor with 40 years' experience of construction. He advised that when he examined this application he noticed some

inconsistencies within it. He advised that 3 years ago ACHA started repairs to external surfaces of land owned by ACHA and the owners of individual properties who shared ownership of all common areas at Hood Court. He explained that he asked ACHA if they would repair the road and footpath between Cairndhu Avenue and the turning circle to the south west of the properties known as Hood Court and they explained that they did not own the road at Hood Court and that it had been adopted by the Council. He advised that as the road was in a poor state of repair he asked his local Councillor to see if he could have the road put on the Roads Department's list of roads requiring repair. Council officials confirmed, after checking their records, that the Hood Court road way, attached footpath and grassed land to the south west were the property of the Council and fully adopted. He advised that he did not know the status of ownership of the garaging area at the North East end of the site except to state that the site boundary shown on the plans did not include the five garage foundations at the North East corner of the site. He advised that he could not imagine that these foundations did not have the same ownership as the rest of the garaging area. He advised that the application stated that the existing use of the land was casual parking with 5 derelict single storey garages. He advised that this was factually incorrect. He advised that there were 10 garage foundations and that the superstructures of the garages were demolished and removed by ACHA several years ago. He advised that the existing use was casual parking, vehicle turning area and safe amenity area for residents of Hood Court. He advised that the existing turning area was used as a parking area and turning was done in the garaging area. He advised that the present available parking was the roadside on Hood Court and in the garaging area and that the garaging area could hold 60 vehicles and the roadside and turning circle areas could hold 15 to 20 cars. He advised that typically 21 cars parked in Hood Court at night. He referred to the application stating "don't know" against flood risk and advised that enquiries of the tenants and owners would have discovered that Hood Court was at a slightly higher level than any recent flood events from the Firth of Clyde, but that surface water drainage in the road way to the rear of Hood Court overflowed at every heavy rain fall. He advised that the present flow of traffic in Hood Court depended upon the use of the garaging area for turning which would be lost in the new plan. He advised that the turning area at the North West end of the road way would have to be kept completely clear of parked vehicles and that parallel and 90 degree parking bays would preclude on-road parking. He advised that the distribution of parking bays was 10 adjacent to 1 Hood Court, 8 adjacent to 2 and 3 Hood Court and 22 adjacent to the new 12 flats. He advised that the bulk of the owner/occupiers were based in 2 and 3 Hood court. He advised that there was no place in the new scheme for parking of recreational vehicles such as caravans, boats and motor homes. He advised that at present Hood Court was very narrow, approximately 3.6 metres wide and that the new layout made no attempt to widen the choke point behind 2 Hood Court by narrowing the footpath at this point. He advised that the turning point at the North West end of the road way and the footpaths were unlikely to remain unused for parking which would leave great difficulties for manoeuvring. He advised that the Council waste collection teams would not be able to turn their vehicles in the new area making garbage collection for 48 homes even more problematic than

it was already. He advised that emergency vehicles such as ambulance and fire engines would be utterly dependent upon the roadway not being blocked or constricted in way. He advised that the area proposed for development was used by residents of Hood Court as an exercise area and a place for children to play. The area of the road way was safe for children and they could play safely in the adjacent gardens. Since the children's play area was removed by ACHA from the rear of the flats on the opposite side of West King Street there has been no local children's play area. He advised that this development would further reduce the safe outdoor play areas at Hood Court. He advised that many of the residents of Hood Court were young couples with small children. He advised that no provision was included in the plans for children's play areas despite the fact that the children's play areas would be reduced and the lesser area would now have 48 flats instead of 36. He advised that on the plans every tree that obstructed the new design was marked "existing trees to be removed and replanted on site". He advised that existing mature deciduous trees of 15 to 20 metres in height could not be moved and that they would have to be felled with replacement saplings planted. He advised that the junction of West King Street, Cairndhu Avenue and Hood Court was characterised by some large, grey apartment buildings surrounded by flowering cherry trees and some large, mature deciduous trees to the North East and South West of the junction between Hood Court and Cairndhu Avenue. He advised that the visual impact of the large apartment blocks was considerably reduced by the large mature deciduous trees and that the loss of these trees would also affect the local bird population. He advised that the loss of these trees was too high a price to be paid for 7 parking places. In summary, he advised that the land of the road way and footpath was apparently owned by the Council for maintenance purposes, but owned by ACHA when it came to development. The property was to be developed at the end of a one-way cul-de-sac without any consideration for safety and amenity of the existing residents. Parking and vehicle storage provision was about to be reduced for a second time by ACHA. The trees at the junction of Cairndhu Avenue and Hood Court were apparently both large enough to screen the gable wall of Hood Court from Cairndhu Avenue and small enough to be removed and replanted. The children of Hood Court, having already lost a play area on the far side of West King Street, were about to lose their only remaining safe play area. He advised that this development offered nothing positive to the area or the residents of Hood Court and he urged Members to reject it.

### June McMurdo

June McMurdo, a resident of Hood Court, advised that she was representing James McMurdo, Mr and Mrs Clark and Mr and Mrs McCrea, also residents of Hood Court. She advised that the main entrance to Hood Court was very narrow and that the plans include making it even narrower at a 'pinch point' about 40 metres in from the entrance at Cairndhu Avenue. She advised that this would prove problematic if the development went ahead as the increased traffic would cause safety problems for children and animals in the area. She advised that the proposed site has always been a safe play area for children and grand children to play as it was well away from the busy Cairndhu Avenue and

West King Street. She referred to the short fall in parking being allocated to the existing Hood Court residents compared to the provision being made for the new development. She referred to over hanging trees where the proposed parking spaces would be sited and that there was no mention of the developers or the Council dealing with this during their planning stages and that this was a worry for residents and for the safety of their vehicles and pedestrians as they have experienced limbs falling and crashing from these trees during bad weather. She referred to the monitoring undertaken by the Roads Officer in respect of vehicle movements and parking at Hood Court and asked if the information he had gathered was accurate or even relevant if policy was being followed and therefore Hood Court residents would have equal rights. She advised that the planned flats have been served correctly with 24 parking spaces as seen on the plan and without any monitoring used to establish who had a car or if they will require these spaces. She advised that she had concerns regarding large service vehicles and emergency vehicles being severely restricted in their ability to manoeuvre and even worse, at times, being blocked from entering or trying to leave Hood Court due to increased residential traffic that the proposed flats would bring to this area. She also advised that the proposed hammerhead turning area would be too small for this purpose and that the movement of a heavy vehicle backward and forward attempting to turn in this small hammerhead would cause the rear double axel tyres to scrub and dig in severely damaging the road surface and potentially damaging the path and curb as well if they had to mount the curb to complete their manoeuvre. She advised that if the proposed design of the road impacts on service vehicles and the vehicle driver determines that entering Hood Court was unsafe this would add to the problem of emptying the hundreds of various wheeled bins on collection schedules, the worst scenario being that these bins would not be emptied unless residents dragged them out to a collection point near the junction of Hood Court and Cairndhu Avenue. She advised that the number of bins involved would cause chaos to traffic and pedestrians alike. She also advised that bins not being put out through laziness, illness, lateness and people on holiday, or forgetfulness would cause problems and that there may also be a requirement for a pull out for infirm residents. She advised that the residents would end up with a very busy road at the front and also at the rear of Hood Court and that the narrow road would become too noisy with no alternative way in or out for any type of vehicle. She referred to a number of infirm and aging people residing at Block 2 whose driver or helper needed their cars at a reasonable distance from their door. She advised that at Block 2 there was a pinch point just opposite the building which prevented any parking bays being built there which would add to the hardship these neighbours would suffer through having to walk the extra distance to a car which was not the case at the moment. She advised that along with other home owners and residents they were very disappointed at the lack of maintenance by ACHA in the last few years at Hood Court. She advised that Block 2 solely took a pride in the area by weeding the roads and pavements and removing rubbish they did not own at their own cost. She advised that their homes would be unsalable at the moment as they have already sustained a substantial financial loss because of ACHA not maintaining the area to a suitable standard. She advised that the need to request special uplifts for tenants who do not



responsibly bring their own bins to the curb edge at the moment has left them with little chance that these people would ever drag out their own bins to another collection point, causing problem upon problem if this development was granted. She advised that unfortunately these tenants did not comply with the Association policies and the Association could not get this situation under control.

### Anthony Duda

Anthony Duda advised that he was speaking on behalf of Catherine Duda, Martin Cornish and Margaret Cornish. He advised that access to the site was restricted either by car or on foot and that if this development were to go ahead this would only exacerbate the problem for new and current residents. He advised that the road was a narrow single track with a pinch point opposite block 2. He advised that this was currently problematic and that should they lose the current parking/turning area would make an already bad situation worse. He advised that the current parking provision was unsatisfactory and that the only suitable provision was on the site proposed for the development. He advised that cars needed to park on the pavement to allow anything bigger than a small van to navigate the access road thus restricting access to large service and emergency vehicles. He advised that the development site was currently used as the turning circle for the larger vehicles and that no suitable provision has been made to replace this. He advised that the proposed hammer head was too small and could not accommodate the 6 wheel bin lorries and was also in the wrong place and that it should be at the back of the site. He advised that the current parking provision for the proposed development was totally inadequate. He advised that developments provision under current regulations was 2 spaces per 2 or 3 bedroom flat which, he advised, indicated to him that there should be 72 spaces for Hood Court therefore the provision of 19 spaces was far too few and did not meet the parking standards of today. He advised that he had noted that most of the photos relating to the access road showed no parked cars at all with only two showing a few. He advised that at peak parking times there could be 22 to 26 vehicles parked and that this tended to be early evening and at weekends. He advised that if the development was allowed to proceed this would cause major problems for Hood Court residents as it may necessitate off site parking which would inevitably increase insurance premiums as vehicles could not be parked outside the owners property. He advised that at present there was no provision for disabled parking and that the current situation of people parking on the pavement was seriously obstructing access for pedestrians. He advised that one other consideration for pedestrian access was that the common pathway between blocks 2 and 3 of Hood Court was currently closed off and that this needed to be reopened.

### Tony Dance

Tony Dance distributed a copy of his presentation to the Committee and advised that he would not speak to all parts as they had already been covered by the other objectors. He advised that he would like to draw Members' attention to significant departures to the Development Plan in respect of this proposal. He referred to Ken Smith's presentation

regarding site ownership and showed on a slide the extent of land not owned by ACHA. He also referred to the current communal parking area and advised that removal of this to accommodate the development was contrary to Appendix C of the Argyll and Bute Local Plan. He then referred to various points within the Roads Network Manager's report regarding demand for car parking and the new Scottish Government's policy document "Designing Streets" in respect of turning areas, routes for waste vehicles and adequate provision for the collection of waste. He referred to the Council operating a 3 bin cycle in the Helensburgh area. In conclusion he advised that the proposed development would result in the loss of all of the land in current use as off street parking for 60 flats in the immediate area. He advised that the proposed development site has been in constant use as a communal car park in excess of 50 years. The access road was a single lane service road for 36 flats formed by 3 blocks known as Hood Court. He advised that the proposed development land was also the communal off street parking for 24 flats known as 158 and 160 West King Street. He advised that the development proposed an addition of 12 flats and that these would be a modern version of the 60 adjacent flats. He advised that why significant departures from policy were being applied to a RSL has neither been explained nor reasonably justified and why the current off street parking provision for these 60 flats was being reduced has neither been explained or justified either. He advised that whether the loss of these parking spaces was justified by current use or not was irrelevant in LP TRAN 6 terms but if this development received consent the result would be an increase of on street parking and this was simple not current Council policy. He advised that the proposed development did not confirm to a number of Scottish Government policies laid down in "Designing Streets, Street Design Guidance". He advised that the current development proposals were against Argyll and Bute Council policy as laid down by the extant Development Plan and detailed in this representation. He asked, in view of these unjustified departures from both Scottish Government policy and the extant Local Development, that the elected Members refuse consent for this application.

The Chair ruled and the Committee agreed to adjourn at 1.05 pm for lunch.

The Committee reconvened at 1.45 pm.

### **Members' Questions**

Councillor Kinniburgh sought and received clarification from Mr Earley on his statement regarding the narrowing of the buildings resulting in a lower roof height.

Councillor Kinniburgh referred to Mr McCandlish's presentation on access arrangements for emergency vehicles. He advised that he had found his statement difficult to follow and sought clarification on this from Mr Divertie. Mr Divertie advised that the Roads Design Guidance gave advice on suitable turning guidance which the Applicant had adhered to. He advised that the dimensions proposed were suitable for both emergency and refuse vehicles and that he was comfortable with the

proposal. He referred to road widths and advised that the minimum requirement was 3.7 metres wall to wall. He referred to the pinch point in the access road which measured 3.5 metres but taking account also of the grass verge and footpath there was ample area that would more than accommodate an emergency vehicle. When asked Mr Divertie confirmed that the minimum 3.7 metres referred to by Mr McCandlish was in relation to building warrant regulations for wall to wall widths. In this case, he advised we were looking at a carriage way which also took account of kerb ways. He advised that the minimum width of the road including kerbs would be 3.7 metres at the pinch point. He advised that he had no concerns about emergency vehicles passing at the narrow pinch point.

Councillor Kinniburgh referred to the new parking legislation coming into force. He referred to the 19 parking places being provided to alleviate parking on the kerb. He also referred to parking for new developments just meeting the minimum requirements. He asked if the 19 parking places for the existing development was enough. Mr Divertie advised that parking standards in the Policy were in respect of new developments and did not cover existing developments. He referred to the informal survey work done by him and colleagues at different times of the day and year and advised that in general the number of parked vehicles counted at the existing development were in the mid teens with a maximum of 20. He advised that with this further development there would now be 40 available parking places. He advised that the current narrow road was restricted because of parked cars and he shared the view that emergency vehicles coming into Hood Court at the moment were being restricted.

Councillor MacIntyre referred to pictures showing cars parking on pavements. He asked if the cars continued to be parked on the pavements after the additional spaces were made available would vehicle owners be breaking the law. Mr Divertie advised that he could not comment as he was not an officer of the law. He advised that he believed it would be an issue for the Police if the vehicles were causing an obstruction to access.

Councillor McNaughton referred to play areas and open spaces and asked if any provision had been made as part of the proposal. Ms Davies advised that there was not a requirement for open spaces for developments of less than 20 units. She advised that an acceptable level of landscaping was proposed which included a level of compensatory tree planting.

Councillor Currie asked how comfortable ACHA were with the provision of 19 car parking spaces for the existing development. Mr MacAulay advised that new developments had to adhere to guidelines on car parking. He advised that once developments were complete car parking provision was reviewed and he advised that it has never been an issue at other new ACHA developments.

Councillor Currie asked if Mr MacAulay was satisfied that 19 car parking spaces for 36 existing dwellings was adequate. Mr MacAulay advised that the proposal would improve the current parking position which was unsatisfactory at the moment and that the proposal on the whole

improved that position.

Councillor MacIntyre asked if there would be controls in place over the availability of parking places. Mr Divertie advised that there would be 40 unallocated spaces and indicated where people would likely park in relation to where they resided.

Councillor Kinniburgh referred to the 40 unallocated parking places and asked if this meant that the 21 spaces provided for the new development may not be available for the occupants of the new development. He stated that 36 of the spaces could potentially be used by the 36 occupants of the existing development leaving only 4 spaces for the new development and he sought clarification on this. Mr Divertie referred to the survey carried out which noted a maximum of 20 parked cars counted. He advised that the development would provide not just parking spaces for the new development but additional spaces for the existing development which included ACHA residents and private owners/occupiers.

Councillor Kinniburgh referred to Jutland Court and the statement made that the owner had offered the land to sell to ACHA or another RSL. He asked ACHA if they were aware of such an approach. Mr MacAulay advised that he was not aware of any discussions between the owner of Jutland Court and ACHA.

Councillor Kinniburgh sought and received clarification from Mr Millar on how the figure of 30% was reached when assessing the proposal against the Helensburgh Design Strategy.

Councillor Currie sought and received clarification that ACHA had utilised all available space for car parking and that it would not be possible to increase car parking spaces without compromising green space.

Councillor MacIntyre asked if the Council owned the access on to the site. Mr Divertie advised that the road was adopted which meant the Council were responsible for the maintenance of the land including footpaths and vegetation. He advised that underneath was held in suspension.

Councillor Currie sought clarification on ownership of the trees that overhung the access road. Mr Divertie advised that land plans drawn up during the Housing Stock Transfer process would provide this detail.

Councillor Taylor referred to the trees to be replaced and the condition relating to the ongoing maintenance of planting and sought clarification on this. Mr Young advised that Planning had a general landscaping condition which could be altered to define the size and type of trees planted.

Councillor Kinniburgh referred to the allocation of space for 24 bins to serve the proposed development and to the statement made that the Council operated a 3 bin system which would mean a need for 36 bins. He asked if that had been taken into account. He was advised by ACHA that this was noted in the plans submitted and that there was space for

expansion to accommodate more bins if required. It was noted that communal bins were an option open to ACHA but that their preference was for individual bins.

Councillor Kinniburgh sought and received clarification on routes which could be taken by residents taking their bins out for collection.

Councillor Kinniburgh sought and received clarification about the protection of property fences if they were damaged during construction.

## **Sum Up**

### Planning

Howard Young advised that Section 25 of the Planning Act required that decisions on planning applications be made in accordance with the Development Plan unless material considerations indicate otherwise. He referred to the historical use of the site and advised that the MOD would not have required planning permission. In terms of access and parking he advised that Roads had made no objection. He advised that consideration of Jutland Court was not material. He advised that Article 8 was a minor material consideration and not an issue that would prevent determination of this application. He advised that Members had to take account of the wider community and not individual interests. He advised that the overlooking issue had been addressed. He advised that flooding issues would be addressed by way of condition. He advised that the site was within the settlement boundary which supported 'medium scale' developments. He advised that it was a back land site and that the development would have no detrimental impact on the amenity of the area and that the scale, design and massing of the proposal was acceptable and accorded with Local Plan policies and that he was happy to recommend approval.

### Applicant

Matthew MacAulay advised that he had nothing further to add and that he was comfortable with the proposal put forward.

### Statutory Consultees

Nigel Miller advised that as far as Helensburgh Community Council were concerned they had more than met their obligations by expressing the views of the residents objecting and by convening a meeting with ACHA. He advised that they were also obliged to bring forward issues which were important to the Community Council. He complimented the objectors who came out in force today with over 30 having put in an objection and over 20 attending the session with ACHA. He advised that their objection still remained and that the people of Argyll View and West King Street would still be overlooked and that the design was not up to standard or acceptable. He asked that if planning permission was granted that an additional 2 conditions be added as referred to in his earlier presentation.

Campbell Divertie advised that there were 2 main issues – emergency

and service vehicle access and car parking. He advised that the road layout and the size of the turning area and width of the road accorded with Scottish Government Policy and the Argyll and Bute Council's adopted Road Development Guidance. He advised that he was satisfied that the road geometry proposed was acceptable and that the Applicant will be required to apply for a Road Construction Consent and that detail of the construction depths and drainage will have to be concluded. In terms of car parking he advised that he shared the concerns of the existing residents. He advised that the new standards were not applied to existing developments. He advised that roads research showed that parking spaces more than 30 metres away from houses were not greatly used. He advised that his observations at Hood Court where residents were parking on the pavement closer to their homes confirmed this research. He advised that the proposal to introduce car parking along the length of the access road would help the existing residents. He advised that 40 spaces would be available to be used by all and that it was important if the Members were minded to approve that there be a condition that the improvements to the road and the provision of parking should be constructed before building the flats.

### Objectors

Councillor Dance advised that the Committee had heard the real concerns that the residents have and that the planning process allowed these people to come today to be heard. She referred to the issue of the technical provision of 40 car parking spaces which would be unallocated and deemed to be ample and advised that this would not be the reality. She referred to the concerns about loss of privacy for residents at Argyll View and West King Street. She referred to the issue regarding Jutland Court which had been brought into question and advised that it was quite clear from an email trail that planning have been involved in these discussions. She referred to the concerns expressed about parking, access for emergency vehicles and damage to property. She advised that in planning terms for every policy that supported a consent there was also a policy that would allow for refusal of a consent and that planning was subjective matter. She advised that there was no support from the public for this development and that it was an issue for people to stand up and make their presentations and asked if the PPSL would restore their faith in the planning process. She advised that Members would be able to find a policy that would allow them to come up with a competent motion to support the residents today. She advised that the application could be continued to allow for further discussions with ACHA.

Heather Craig advised that everyone had taken time off work to raise their concerns today. She advised that the development would affect the quality of life of many people and that housing would be unsalable in the meantime. She asked that the Committee please consider the position of the local residents.

Kenina MacLeod asked why there was a need to adhere to minimum standards. She asked where the children would now play.

Joyce Wideman advised that she had listened to what everyone had said

and all the arguments that had been put forward. She advised that Hood Court was not looked after as a building at the moment and asked would this development also be allowed to fall into the same condition. She advised that she could not understand why the safety of children and a place for them to play was not being taken into consideration and she advised that she could not understand the comment made about damage to fencing which would not be covered under household insurance. She asked that the Committee take account of the comments made by everyone as these were all genuine concerns.

Kenneth Smith referred to this piece of land being taken out of use from the people of Hood Court and West King Street and that they were not being left with the same level of provision and that they wanted to maintain what was already there.

June McMurdo thanked the Committee for listened to everyone's concerns. She referred to children being able to play at this site for many years. She advised that she had a 5 berth caravan and was also from a 3 car family and that she could see the hassle this development was going to cause. She advised that the development would take away the play area for existing children. She referred to residents in certain blocks not putting out their bins and asked who would be responsible if this continued to happen if bins had to be dragged to Cairndhu Avenue.

Antony Duda advised that his main concern was the provision of parking.

Tony Dance advised that the current car park did not just serve the 36 flats. He advised that it served 60 flats taking account of 158 – 160 West King Street. He advised that there was no justification given in the report for the loss of the communal car park. He referred to Appendix C requiring 20 car parking places for the new development. He referred to ACHA being offered Jutland Court and advised that he could confirm that ACHA and Dunbritton Housing Association were offered Jutland Court as he was in attendance at that meeting. In terms of waste management he advised that current Council policy advised that flatted developments only required 2 bins. He advised that this policy was not put together for a town centre development. He advised that planning authorities should ensure provision of refuse collection. He advised that Roads have referred to past use in respect of car parking and asked what about future use. He advised that because the proposal did not comply with Scottish Government policy and Argyll and Bute Council policy it should be refused.

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

Councillor Vivien Dance left the meeting.

## **Debate**

Councillor McNaughton advised that the quality of the presentations given was exceptional and that it made it difficult for him to come to a decision. He advised that he had concerns about the safety of children and that the

development was bound to increase traffic and that he would like to see condition 7 amended to include some sort of traffic management measures if approved.

Councillor Currie advised that there was a need to judge this application on his own merits and that the Committee were not here to judge the management of ACHA or the provision of car parking for others in the past. He advised that this application complied with Local Plan policies and that he could not see anything that could lead to refusal of this application as it conformed to all the Local Plan policies. He advised that ACHA conformed to the Local Plan policies and that 160 people were looking for houses at Hood Court and that he supported this application.

Councillor McQueen advised that he supported the planning recommendation.

Councillor MacIntyre advised that he believed that Mr Divertie would have given an honest assessment and that he supported the planning recommendation.

Councillor Kinniburgh advised that he did have concerns about the parking and access but that Officers had answered all the questions put forward and that the Roads Officer was satisfied the proposal met all requirements. He advised that he heard what Councillor Dance said but that he found it difficult to find a policy that would not allow the application to be granted. He advised that parking provision for the existing development did not come into it. He advised that he supported the planning recommendation.

Councillor Taylor advised that he agreed with Councillor Currie and notwithstanding his own concerns about parking it was in some way an improvement to off road parking and that he supported the recommendation to approve the application.

Councillor McNaughton advised that he was prepared to support his colleagues but still thought that there should be some sort of measures considered for the protection of children in that area.

Councillor Kinniburgh advised that he agreed with what Councillor McNaughton said and that he would also like a condition that addressed this factor. He also asked if condition 3 could be amended to take on board the Community Council's concerns about the design of the building.

The Chair ruled and the Committee agreed to adjourn the meeting at 3.20 pm to allow the Members to frame a competent motion to take account of changes to the conditions.

The Committee reconvened at 3.40 pm.

### **Motion**

To agree to grant planning permission subject to the conditions and reasons detailed in the report and subject to the amendment of condition



2 to require trees to be planted to be heavy standards or such other standards as are to be agreed with the Council's Horticultural Officer, and with an additional Condition 9:-

Notwithstanding the details shown on the docquetted plans the applicant shall submit details of traffic calming measures to be agreed prior to works commencing on site. Thereafter the traffic calming measures agreed shall be implemented prior to occupation of the first flat in the interests of road safety.

Moved by Councillor Taylor, seconded by Councillor Kinniburgh

As no one was otherwise minded the Motion became the decision of the Committee.

### **Decision**

Unanimously 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 18/3/13 and the approved drawing reference numbers L ( 90) 003, L(90)006B, L(90) 001E, L(20)001B, L(20)002, L(20)003, L(90) 004B, L(21) 001G 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 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 and to require trees to be planted to be heavy standards or such other standards as are to be agreed with the Council's Horticultural Officer;
  - 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.*

3. 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.*

4. 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.*

5. Prior to the commencement of development full details of the proposed surfacing materials to be used for the courtyard area and car parking spaces shall be submitted to and approved in writing by the Planning Authority. Thereafter works shall be carried out in accordance with these details unless otherwise agreed in writing with the Planning Authority.

*Reason: To ensure the surfacing materials complement the development.*

6. The proposed improvements to the existing public road (Hood Court from the junction with Cairndhu Avenue for a distance of 120 metres or thereby) with the additional parking spaces along its length as shown on approved plan No.L(90) 001 rev E shall be provided prior to construction works commencing on the new flatted building.

*Reason: In order to maintain parking for the residents of Hood Court when construction works are ongoing in order to avoid congestion in the interests of road safety.*

7. That the final wearing course required for the public road shall be completed to the satisfaction of the Planning Authority in consultation with the Road Network Manager prior to the occupation of the first flat hereby approved.

*Reason: In order to allow time for all public utility service connections to serve the new development to be completed before the final surface is applied.*

8. Prior to the commencement of development a Surface Water Drainage plan shall be submitted to and approved in writing by the

Planning Authority. For the avoidance of doubt this shall also include a scheme for management of surface water within the development site including long term maintenance arrangements. Thereafter the development shall be completed in accordance with these details unless otherwise agreed in writing with the Planning Authority.

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

9. Notwithstanding the details shown on the docquetted plans the applicant shall submit details of traffic calming measures to be agreed prior to works commencing on site. Thereafter the traffic calming measures agreed shall be implemented prior to occupation of the first flat in the interests of road safety.

*Reason: In the interests of road and pedestrian safety.*

(Reference: Report by Head of Planning and Regulatory Services dated 1 August 2013, supplementary report number 1 dated 14 August 2013 and supplementary report number 2 dated 14 August 2013, submitted)