

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 19/01410/PP
Planning Hierarchy: Local Application
Applicant: Simply UK
Proposal: Demolition of existing buildings and erection of residential care home
(amended design)
Site Address: Hermitage Park Depot, 102A Sinclair Street, Helensburgh, Argyll and
Bute G84 8TU

DECISION ROUTE

Local Government (Scotland) Act 1973

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Demolition of existing buildings and erection of residential care home (amended design)

ii) Other Specified Operations

Connection to public water supply and sewage system

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that, subject to a Hearing, planning permission be granted as a minor departure to Policy SG LDP REC/COM 2 subject to the conditions and reasons appended to this report.

(C) HISTORY:

19/00236/CONAC Demolition of all buildings. Granted 19.03.2019

19/00237/PP Demolition of existing buildings and erection of residential care home

Withdrawn 09.07.2019

(D) CONSULTATIONS:

Historic Environment Scotland - letter dated 22.07.2019

We are not opposed in principle to development of the site. However, the new application does not sufficiently assess the impact of change this proposal would have on the War Memorial. While we recognise that the proposed development is some distance from the memorial, it is our view that its current massing, scale and height would have an impact on the memorial's open parkland/landscape setting.

Comment: See assessment

Public Protection – e-mail dated 08.08.2019

This type of development may cause noise nuisance to neighbouring residential properties during the construction phase. The kitchen facility will require to comply with the Food Hygiene (Scotland) Regulations 2006. The applicant will be contacted directly regarding this matter. No objections in principle subject to time limits on construction.

Marina Curran-Colthart - Local Biodiversity Officer – Awaiting response.

Environmental Health - Helensburgh And Lomond - Awaiting response

Roads Helensburgh And Lomond - Awaiting response

Scottish Water - 11.07.2019 – No objections.

Care Inspectorate – Awaiting response

Flood Risk Assessor – e-mail dated 24.07.2019

No objections subject to a SuDS condition

Development Policy Section – Awaiting response

Built Heritage Conservation Officer – e-mail dated 24.07.2019

Prince Albert Terrace creates a strong defined boundary between the edge of Hermitage Park and the adjacent areas of housing. The Design and Access Statement (May 2019) states that “the massing, scale and height of the proposal can therefore not be considered to impact on the monument’s open parkland setting given it is small in all regards to the existing block at Prince Albert Terrace” however it is felt that this site is within the park context, rather than being a defining edge like Prince Albert Terrace. Therefore a step-down in height is not sufficient to mitigate the negative impact on the park and monument. It is felt that a suitable design on this site should respond sensitively to the park setting.

The Design and Access Statement (May 2019) states that “the monument is a considerable distance away from the application site” however HES’s professional assessment was that that whilst being some distance away from the memorial the current massing, scale and height would have an impact. No change has been made to the siting or massing of the proposal so these comments are still relevant. And whilst HES’s position in terms of the previous proposal was not to object as the issues are not of national significance, it is considered that these historic environment issues are still of regional or local significance and should therefore be assessed carefully by the local authority.

With regard to the above two points it is considered that the proposed massing of the development is too large, that this site cannot accommodate such.

The Design and Access Statement (May 2019) says that “any trees to be pruned or removed as part of the proposals will be done so with prior consent from both the Planning and the Parks Department” however given the significance of the trees to the character, clarification is required at this point of any proposed tree removal. Whilst the architecture of the wider conservation area is very varied and must be considered, there are direct relationships between the site and the prominent linear bounding form of Prince Albert Terrace, and to the open parkland setting. Therefore the materials and details used must first respond to these direct relationships, with the wider context (albeit important) being secondary to this.

Grey tiled roof – no change from previous proposal so previous comments still apply – natural slate should be used in this setting.

The red brick is not considered to be suitable for the parkland setting as it would neither integrate harmoniously nor make a high quality contemporary statement.

The windows feature astragals - there is no clarification if these are proposed to be real, multi pane windows or stuck on astragal bars but in either case are pastiche.

As detailed in this assessment, it is considered that this proposal is not suitable for the site from a heritage/design point of view however if consent were granted then samples should be submitted for all materials as well as details of the proposed windows.

Comment: See assessment.

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert

Expiry Date: 08.08.2019

(F) REPRESENTATIONS:

i) Representations received from:

Objection

Fiona Rorison 2 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute e-mail dated 17.07.2019

Claire Popham-Forster, 3 Prince Albert Terrace, Victoria Road, Helensburgh, Argyll And Bute, 2 e-mails dated 19.07.2019

David Forster 3 Prince Albert Terrace, Victoria Road, Helensburgh, Argyll And Bute, 4 e-mails dated 19.07.2019 and 21.07.2019

Helen Chalmers, no address, e-mail dated 21.07.2019

Yvonne Pannell, no address, e-mail dated 21.07.2019

Robert Rorison 2 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute e-mail dated 21.07.2019

DA Craig, no address, e-mail dated 21.07.2019

Michelle Melville, no address, e-mail dated 22.07.2019

Christine Jardine, no address, e-mail dated 22.07.2019

AM Newbond, no address, e-mail dated 22.07.2019

Richard Cullen, Flat 2/1, 8 Prince Albert Terrace, Helensburgh, G84 7RY, letter dated 19.07.2019 and e-mail dated 24.07.2019

H McConnachie, 6 Broom Road, Rosneath, G84 0RY, letter received 23.07.2019

Professor David M Walker, 22 Inverleith Row, Edinburgh, EH3 5QH, letter dated 22.07.2019

Rhia Layden, no address, e-mail dated 24.07.2019

Susan Howells, no address, e-mail dated 24.07.2019

Niki Sammon, no address, e-mail dated 25.07.2019

Robert Johnstone, no address, letter dated 25.07.2019

Dan and Irene Aldridge, Ranmore, Shandon, Helensburgh, G84 8NW, e-mail dated 28.07.2019

Nadja Gunneberg, Flat 2/1, 1 Prince Albert Terrace, Helensburgh, G84 7RY, e-mails dated 28.07.2019

Dr. Dominic A. A. Ray, no address, e-mail dated 29.07.2019

Stephen Adam, Eastwood, Donaldson Brae, Kilcreggan letter dated 28.07.2019

Irene McNiven, 7 Birch Cottages, Helensburgh, letter dated 25.07.2019

P. Robertson, 9 Birch Cottages, Helensburgh, letter dated 25.07.2019

Janet McIver, 4 Birch Cottages, Helensburgh, letter dated 25.07.2019

Jean W Craig, 10 Birch Cottages, Helensburgh, letter dated 23.07.2019

Linda Conway, 12 Birch Cottages, Helensburgh, letter dated 23.07.2019

Jacqueline Cowper, 11 Birch Cottages, Helensburgh, letter dated 23.07.2019

Mrs A Webster, 3 Birch Cottages, Helensburgh, letter dated 23.07.2019

Mrs M Hutchinson, 8 Birch Cottages, Helensburgh, letter dated 24.07.2019

Mardi McAuley, 25 Endrick Wynd, Helensburgh, G84 7SU, letter dated 26.07.2019

Dylan Paterson, 8 Prince Albert Terrace (top), Helensburgh, e-mail dated 28.07.2019

Dr Barrie McKillop 6 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute, letter dated 26.07.2019

Marianne McKillop 6 Prince Albert Terrace Victoria Road Helensburgh Argyll And Bute letter dated 26.07.2019

Jamie Laycock Flat 1/1 8 Prince Albert Terrace Victoria Road Helensburgh e-mail dated 13.07.2019
Morag Cook, Cue Cottage, East Rossdhu Drive, Helensburgh, G84, 7SS, e-mail dated 29.07.2019
Dominic Ray, Prince Albert Terrace, Helensburgh, e-mail dated 29.07.2019
Mr Graham Horn and Dr Megan Coyer, 4 Prince Albert Terrace, Helensburgh, e-mail dated 29.07.2019
V Holling, Prince Albert Terrace, Helensburgh, e-mail dated 30.07.2019
Laura Johnstone, no address, e-mail dated 29.07.2019
Karen Griffin, no address, e-mail dated 29.07.2019
Aileen Dickinson, 2 Victoria Road, Helensburgh, G84 7RX, e-mail dated 30.07.2019
Jennifer Wills, no address, e-mail dated 29.07.2019
Laura Craig, 7 Prince Albert Terrace, Helensburgh, e-mail dated 26.07.2019
Peter Wilson, Flat 1R, 1 Prince Albert Terrace, Victoria Road, Helensburgh, G847RY, e-mail dated 30.07.2019
Michael C Davis, no address, e-mail dated 30.07.2019
Friends of Hermitage Park c/o Dolphin Lodge, 2A East Montrose Street, Helensburgh, G84 7EP, letter dated 30.07.2019
Architecture Heritage Society of Scotland, Strathclyde Group Office, Tobacco Merchants House, 42 Millar Street, Glasgow, G1 1DT, letter dated 21.07.2019
Mrs Angela Moreland, 37 East Argyle Street, Helensburgh, G84 7EN, e-mail dated 07.08.2019
Margaret Holling, East Montrose Street, Helensburgh, G84 7HU, e-mail dated 07.08.2019
Bett 27, no address, e-mail dated 08.08.2019
Nicola McCully, Roseangle, 49a William Street, Helensburgh, G84 8XU, letter received 08.08.2019
Domenica McGregor, 6 Bield Cottages, Sinclair Street, Helensburgh, letter dated 08.08.2019

ii) Summary of issues raised:

Visual Impact

The proposed four storey building, its footprint, scale and the proposed development as a whole is overbearing, out-of-scale and out of character when compared with existing buildings in the vicinity. It will serve only to dominate the treeline of the redeveloped park and have a poor spatial relationship with the surrounding residential buildings of Birch Cottages and Prince Albert Terrace. Furthermore, the developer is using a 150 year old building as justification for a building of similar size and footprint. If you consider the recent residential additions within this area, they are either small-scale bungalows set in a cul-de-sac or individual dwelling houses with garages set over two storeys and with substantial private parking.

The Developer has referred to the Victorian Prince Albert Terrace in the application as a comparator, and a justification, for erecting a four storey building on the site. This ignores one vital point; Prince Albert Terrace itself is considerably out of character within its surroundings. No other properties within visual radius of the site are of such a height and scale. Prince Albert Terrace was built around 130 years ago, with the deliberate intent of blocking the view of a neighbouring property. It seems unwise and irrelevant to perpetuate the out-of-character nature of the existing terrace by using it to justify a new development of this height and scale. The proposed development would dominate the redeveloped Hermitage Park and all the surrounding properties as a result of its excessive size.

The drawings provided by the Developer of the relationship between Prince Albert Terrace and the proposed development are inaccurate. They portray the roof of Prince Albert Terrace as being considerably higher than it actually is as a result of the incorrect roof profile they have portrayed. This gives a misleading impression of the scale and visual impact of the proposed development when compared to the Terrace. Prince Albert Terrace itself is not simply a "tenement block", but a unique mixed development of flats and townhouses by a noted Victorian architect, which is well recognised as an architectural feature of the area in its own right. The Developer appears to be keen to minimise the Terrace in this regard.

Comment: See the assessment.

Design & Materials

No change has been made to the scale since the last application. The proposals have little architectural merit, are neither ambitious nor make a statement. The proposed design could be an accommodation block in an army base, a student accommodation block or a secure unit anywhere in the western world. It does not integrate well with the local area and can thus be considered an '*anonymous, could be anywhere design*'. The design makes no attempt to work within the Conservation Area guidelines. The change to red brick does little to integrate with the surrounding palette. The roof materials are a grey tile and are not in keeping with the slate roofs of the conservation area. In the design and access statement the architects show a picture of a traditional red brick villa. This villa is situated some distance from the site. Whilst it has brick chimneys the exterior is red sandstone and ashlar dressings. The opportunity to produce a quality building of a unique or sympathetic design is not being taken here.

Comment: See the assessment.

Effect on the Character of the Neighbourhood

This area of Helensburgh is solely residential and open park land, protected by an open space policy in the development plan and designated a Conservation Area. Significant work and resources have been expended by the Council to maintain and enhance the character of this neighbourhood (Hermitage Park, The Cenotaph, Victoria Halls) linked to its Victorian heritage. A four storey, highly-serviced commercial residential complex on a constrained site with poor access would significantly detract from, and substantially affect, the residential amenity of its neighbours and this historical neighbourhood. The scale and massing of this proposal will be visually prominent and will detrimentally affect the sense of place that the park creates.

Comment: See the assessment.

Building Line & Footprint

The proposed building line considerably overshoots the gable of Prince Albert Terrace, creating an awkward visual appearance from Victoria Road. The proposed building footprint positions the care home development within the park; overlooking key areas such as the play park, Japanese garden, community kitchen garden and war memorial. Furthermore, the landscaping design is unclear about retention of the current screening tree line, and in many respects, appears to be designed to interface with the park. There needs to be a clear distinction between development site and public park land to avoid overlooking, a loss of privacy and amenity, and the sense of place for park users. Moreover, the idea of using the park for commercial benefit to help create the developer's "*luxurious surroundings*" should be discouraged.

Comment: See the assessment.

Noise, nuisance, disturbance and smell

The 24hr nature of the development, the use of shift patterns, the number of beds, size and scope of catering facilities, associated refuse areas, clinical waste collection, linen deliveries and ambulatory vehicles will all contribute to noise, nuisance, around the clock disturbance and smell. The size and nature of the proposed development is therefore unsuitable for a quiet residential area. Prince Albert Terrace has already had work to prevent subsidence and the development is likely to further undermine the stability of the land on which the terrace sits.

Comment: The site was previously a Council depot which created noise and traffic movements from early morning onwards. The issue of subsidence is a civil matter. See also the assessment.

Overlooking and loss of privacy and light

The current depot building slopes down towards the boundary to provide a gable roof line that does not exceed the height of the adjacent garden walls. In addition, the current building is 1½ -2 storeys, and is orientated so that no windows overlook the gardens or residential amenity of the tenement block. The proposed development adds significant height and a substantial number of windows (more akin to a seafront hotel) to the elevation facing Prince Albert Terrace. All will have a significant impact on light, overlooking and the privacy of the existing homes and gardens. Also concerned about the impact on the sheltered complex in terms of privacy, noise and disruption on vulnerable residents. The developer's proposals only refer to the 'setting back of the building to maintain appropriate window distances'. This goes against Council planning guidelines which refer to the 'designing out' of overlooking in infill sites; exactly what the existing building achieves. In addition, the building would overshadow the new park, play and recreation areas and the A-listed cenotaph. No shadow study has been conducted for Prince Albert Terrace.

There are fundamental overshadowing impacts to the homes and gardens of Prince Albert Terrace especially for residents of 5, 6, 7 and 8. The developer has not demonstrated through their overshadowing graphics that there is no impact. They have only provided graphical perspectives of Birch cottages at 9am and 12 noon at 2 points of the year, nothing from the Terrace perspective. Yet in summation they assert that the drawings show the shadow lines don't affect Birch cottages or the Terrace. This is not correct - as one of the shadow graphics clearly show that there is overshadowing onto the rear and gardens of Prince Albert Terrace. This would be greatly increased in the afternoon, evening and different times of year. It's appalling that the developer has tried to misrepresent this. Absolutely no approval should be given to this proposal unless vastly reduced in size and scale.

Comment: see the assessment.

Parking, Traffic & Road Safety

The proposed access and egress will be substantially busier. It currently sits very close to a major tributary road and would require vehicles to sit across the footpath section for long periods while they wait on entry to Sinclair Street. This will be exacerbated at peak times. Indeed, a smaller car park with access to Sinclair Street at the Victoria Halls has required traffic lights. Victoria Road is already a rat race for drivers cutting through to avoid the traffic lights on Sinclair Street. The proposed number of car parking spaces would not adequately service a facility of this size, given the staffing requirements of the Care Commission, deliveries, ambulatory vehicles, and the potential number of visitors at peak times. The surrounding streets (Stafford St, Victoria Rd, Millig St) have no scope for on street parking and simply could not cope with ad-hoc overspill car parking. Furthermore, the additional traffic seeking to park outwith the proposed site has the potential to make these busy school routes even more hazardous for young pedestrians. Victoria Road is already a rat race for drivers cutting through

Comment: The Area Roads Manager has indicated no objections.

Conservation Area

The proposed development does not show any respect for, nor enhance, the architectural qualities of the area, or that of the Conservation Area in general. The massing and scale of the proposal would result in development that would be completely out of keeping with the special qualities identified within the Conservation Area, both in terms of the resulting overdevelopment of the site, as well as the poor standard of design proposed. The proposed development would only result in a significant adverse and detrimental impact on the

character and appearance of the Conservation Area, and would in no way preserve or enhance its setting. As such these proposals are not compliant with the requirements of the Development Plan. These amended and re-submitted drawings still lack sufficient detail for a full application in a Conservation Area.

Comment: See the assessment.

Open Space Policy

The proposed development bounds an area covered by the Local Development Plan's open space policy. Instead of seeking to depart from this policy, and given the nature of the area and the recent green-space regeneration, it would be more prudent for the Council to return this area to open space or earmark it for future park developments. Given the foregoing, the site appears more and more unsuitable for a development of this size and nature. According to the proposals the developers have been given advice/reassurances that the OSPA boundaries are up for negotiation. It feels unreasonable to base planning decisions on future boundaries rather than current boundaries – does this mean that planning decisions are made on future legislation rather than current?

Comment: See the assessment.

Commerciality

While providing a residential service, care homes are highly commercial operations. This proposal in particular, *“with hotel-like services such as bars, beauty salons...”*, round-the-clock services, large number of bedrooms and associated staff and catering facilities is more akin to a large commercial hotel. The planning officers should carefully consider the placing of such an entity within a Conservation Area, on the park boundary and in an area of historical and community importance. Such an operation would be wholly out-of-place in a block which contains three of Helensburgh's most important civic amenities (Hermitage Park, Victoria Halls, War Memorial).

Comment: See the assessment.

Special Architectural or Historic Interest

The character, architectural importance, local history and cultural heritage of the 150 year old tenement building at Prince Albert Terrace is unique in the town and of special interest to historians. An adjacent building of similar or greater proportions would diminish the building's place in the built environment and undermine its historical positioning. The A-listed War Memorial is of significant importance to this community. Contrary to the developer's design document, Historic Environment Scotland stated on the previous application for this development:

“It is our view that its current massing, scale and height would have an impact on the war memorial's open parkland / landscape setting.” “The character of developments in the vicinity appears to take account of the memorial, particularly in terms of not over dominating it.”

The new plans have made no amendments to the massing, scale and height of the development and do not address over-dominating the A-listed war memorial.

The site line plan used by the architects does not show the positioning of the proposed building but rather shows the existing depot building. The sightlines do not extend to 180 degrees let alone 360.

Comment: See the assessment.

Conflict of Interest

The site was disposed by A&B council as an 'Opportunity to demolish the buildings and erect a residential development of several homes'. The development as proposed is a substantial departure from the publicised details and conditions of that disposal by sale. As the owner disposing of the site and the legal entity making the planning decision, it would be prudent for the decision on this application to be referred to the Planning Committee for a final decision.

Comment: Each application as submitted is judged on its merits. In terms of the decision making process this will be a Committee item decided by elected Members.

Undesirable Precedent

On balance, there are too many circumstances in which the size, scope and scale of these proposals have a negative impact on the current built and natural environment. It is doubtful that a four story commercial new build has ever been constructed in a residential area of the town. Certainly not within a conservation area, encroaching public park land and within an area designated an open space. Thus, there is absolutely no precedence for this type of development in this area of Helensburgh. This proposal risks creating an undesirable precedent.

Comment: Each application is judged on its merits. See also the assessment.

Trees

No tree surveys have been carried out. There are several mature trees which will have to be felled or severely cut back to allow the construction. This will increase the visibility of the new building and totally destroy the sense of place of Hermitage Park. The tree line which surrounds the depot and which continues along the lane at Prince Albert Terrace are important in preserving the enclosed nature of the park. They shield and provide the setting for the War Memorial and walled garden and help create the park's sense of place while preserving the nature, appearance and character of the Conservation Area. The design document is ambiguous as to the future of these trees. As they are within the Conservation Area they are automatically protected.

Comment: See the assessment.

Access/Right of Way

The current access is for the public as well as residents of Birch Cottages. But the design statement specifies only servitude rights of access for residents of Birch Cottages and Care Home residents and there is no mention of continuing to allow public access. The design statement and application form contradict one another. There is a Right of Way besides Birch Cottages into Hermitage Park from the back. This must be protected.

Comment: There is no record of a formal right of way. The applicant has indicated that the right of access will be maintained.

Waste

The proposal indicates there will be a dedicated service area to the southern-most area of the site which will allow for all deliveries to be contained away from the pedestrian entrance. However, there is no indication of its layout. The increase in commercial traffic could further add to the congestion on Sinclair Street and create a health and safety issue. There is also no indication on the external design of the building where the service bins for recycling for waste materials and medical waste will be located and accessed. There is also no indication where the ventilation and air-conditioning system, kitchen extractor fans and where the laundry system will vent to and how this will affect the residents of Prince Albert Terrace.

Comment: The Area Roads Manager has no objections. Policy SG LDP SERV 5 and SG LDP SERV 5(b) require details of waste arrangement to be submitted along with the planning application. The Design Statement indicates a service area but no further details are indicated. As such a condition is attached that no works in connection with the development 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 medical and other waste from the site. The application is assessed on the basis of the plans submitted. Details of ventilation and extractor fans etc are mainly a matter for Building Standards in terms of a Building Warrant submission. However, they may impact on the elevations of the proposed building. If they change the elevations shown on the submitted plans they will be assessed as to their materiality. The applicant can apply for a non-material amendment. If the changes are considered material then a fresh application for the changes will be required.

Lighting

If lighting was to be erected, it would contravene the lighting guidelines due the near proximity of our properties.

Comment: A condition has been attached requiring details of external lighting to be agreed prior to works commencing on site.

Drainage

From a review of the SEPA flood risk maps the site does not appear to be at risk from flooding. However, there are no Drainage Assessments and SUDS proposals – for a development proposal in a Conservation Area this should be provided as part of the submission.

Comment: See the assessment.

Other Issues

The roof space in the wing adjacent to Birch Cottages will have a lounge and a hairdressing salon. If approved concerned that the developers will ask that this be changed to a full height.

Comment: Any changes if and after the application is approved will be assessed in terms of whether they constitute a material change.

The Council and Friends of Hermitage Park have spent significant time and resources regenerating the park. The new pavilion sits within its landscape and has a low level of impact on its surroundings. The proposed care home does the exact opposite.

Comment: Each application is judged on its merits. See also the assessment.

The development's proposed garden area will encroach on the public park and create a situation where a commercial operation is benefitting from the adjacent parkland.

Comment: No access is indicated from the proposed private garden. Hermitage Park is also a public park open for use by the general public.

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994.N

- iii) A design or design/access statement. Y
- iv) A report on the impact of the proposed development. As part of Design and Access Statement.

Design/access statement

The park itself lies with the Conservation area of Helensburgh covering approximately 4.7 hectares and contains within it an A listed War memorial in the far north-western corner of the site, contained within a walled memorial garden. With the historical asset in mind, it is important to assess the impact of the proposals on the setting of the war memorial. Historic Environment Scotland's document 'Managing Change in the Historic Environment – Setting' demonstrates criteria to be used to assess such an impact:

- Stage 1 – identify the historic asset;
- Stage 2 – define and analyse the setting;
- Stage 3 – evaluate the potential impact of the proposed changes;

The monument is a considerable distance away from the application site – in the region of 80m. The memorial garden is contained within a walled area, separating it from the rest of the park and creating an enclosed sense of space, echoed by the backdrop of mature trees along the northern boundary. The memorial is designed on a strong north-south axis, connecting to the park on the southern side via iron gates.

The existing depot site is partially screened from the park due to existing mature trees along the eastern site boundary between the depot and the park. The proposed building footprint has been pulled away from this boundary to allow the trees to be retained where possible. Any trees to be pruned or removed as part of the proposals will be done so with prior consent from both Planning and the Parks Department, and will be done so in a manner that relate directly to the wider landscaping works of the park redevelopment. Given that the area of ground within the park immediately bordering the application site will be redeveloped into both a Kitchen Garden and a Japanese Garden, works to these existing trees may be required out with the control of the applicant. In either respect, the application proposal will still include screening by way of landscaping.

The memorial garden and monument are orientated with a strong north-south axis with views southward into the rest of the park; given that the proposal sits approx. 80 meters to the west of the asset, the proposal would not interrupt views to the monument any point within the park, nor will it affect the view of the park itself when viewed from within the memorial garden.

We feel that it has been demonstrated that the proposal does not have an adverse impact on the historical asset in the factors set out in 'Managing Change in The Historic Environment' guidelines. We would also note that Historic Environment Scotland, consulted as part of this application in a letter dated 3rd May 2019, expressed that *"our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object."*

(H) PLANNING OBLIGATIONS. None Required

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

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

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

Local Development Plan Policies

Argyll and Bute Local Development Plan adopted March 2015

Policy LDP STRAT 1 – Sustainable Development

Policy LDP DM 1 – Development within the Development Management Zones

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

Policy LDP 9 – Development Setting, Layout and Design

Argyll and Bute Local Development Plan – Supplementary Guidance

SG LDP ENV 6 - Development Impact on Trees/Woodland

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

SG LDP ENV 17 - Development in Conservation Areas and Special Built Environment Areas

SG LDP Sustainable - Sustainable Siting and Design Principles

SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas

SG LD SERV 2 – Sustainable Drainage Systems

SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities

SG LDP TRAN 4 - New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 - Vehicle Parking Provision

SG LDP BAD 1 Bad Neighbour Development

(ii) List of other material planning considerations taken into account in the assessment of the application

Third party representations on planning matters;

Views of statutory and other consultees;

Planning history;

SPP, Scottish Planning Policy, 2014;

Historic Environment Scotland Policy Statement (June 2016);

Managing Change in the Historic Environment by Historic Environment Scotland.

Argyll and Bute Council Sustainable Design Guide, 2006

An Appraisal of the Conservation Area in Helensburgh Appraisal 2008

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

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

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

(N) Does the Council have an interest in the site: Yes

The land is presently under the ownership of the Council and is to be sold to the applicant after planning consent has been secured.

(O) Requirement for hearing:

A total of 58 e-mails and letters of representation have been received from 53 individuals and organisations. The proposal is redevelop a former Council Depot. Given the number of representations received and that the Council has an interest in the site it is considered that a Hearing would be both transparent and give added value to the decision making process.

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

Planning permission is sought for the erection of 64 bedroom residential care home on a former Council depot site located within the settlement boundary of Helensburgh. The site is

also within the conservation area where development must preserve or enhance the character and appearance of the conservation area.

Policy LDP STRAT 1 – Sustainable Development of the Argyll and Bute Local Development Plan (LDP) states that developers should seek to demonstrate the following sustainable development principles:

- b) Make efficient use of vacant and/or derelict land including appropriate buildings;
- c) Maximise the opportunities for sustainable forms of design including minimising waste, reducing our carbon footprint and increasing energy efficiency;
- d) Conserve and enhance the natural and built environment and avoid significant adverse impacts on biodiversity, natural and built heritage resources;
- e) Respect the landscape character of an area and the setting and character of settlements;

Policy LDP DM1– Development within the Development Management Zones gives encouragement to sustainable forms of development within the Main Towns and Key Settlements up to and including large scale on appropriate sites. The formation of the care home is defined as being largescale within the adopted Local Plan. As such it is considered that the proposal accords with this policy.

Policies LDP 3, LDP 8 and LDP 9 state, inter alia, that in all development management zones, the Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment; will support new sustainable development proposals that seek to strengthen the communities of Argyll and Bute, and require developers and their agents to produce and execute a high standard of appropriate design. The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character.

Policy SG LDP ENV 16(a) states that development affecting a listed building or its setting shall preserve the building or its setting, and any features of special architectural or historic interest that it possesses. Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas, states there is a presumption against development that does not preserve or enhance the character or appearance of a Conservation Area or its setting.

The site is located within the Upper Helensburgh Conservation Area and some 70m west of a War Memorial located within Hermitage Park. The park itself is approx. 4.7 hectares and the memorial is in the north-western corner of the site contained within a walled memorial garden. This walled garden originally formed the kitchen garden for the now demolished Hermitage House that used to stand within the park. The war memorial was added during extensive redevelopment in the 1920s. With the historical asset in mind, it is important to assess the impact of the proposals on the setting of the war memorial. Historic Environment Scotland's document 'Managing Change in the Historic.

The memorial garden and monument are orientated with a strong north-south axis with views southward into the rest of the park; given that the proposal sits approximately 70 meters to the west of the asset, the proposal would not interrupt views to the monument any point within the park, nor will it affect the view of the park itself when viewed from within the memorial garden.

The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. As such their replacement with a care home will enhance the character and appearance of the conservation area compared with the current situation. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

Access is taken via an existing lane from Sinclair Street which also serves the adjoining sheltered housing complex. The Area Roads Manager was consulted and has advised no objections subject to conditions regarding access and parking arrangements. The proposal therefore accords with Policies SG LDP TRAN 4 and SG LDP TRAN 6.

In terms of infrastructure Scottish Water has no objections and the Council's Flood Risk Advisor considers the proposal acceptable subject to an appropriate SuDS condition.

The proposed development will generate medical and other waste. Limited details are shown on the submitted plans but a condition can be attached requiring a Waste Management Plan to be submitted and agreed which will meet the terms of Policy SG LDP SERV 5 (b) – Provision of Waste Storage and Collection Facilities.

Part of the site is an Open Space Protection Area (OSPA). Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas presumes against the development or redevelopment of such sites. In principle the redevelopment of the site is a departure from policy. However, when the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, does not form a meaningful part of the designation and is a small part of the OSPA the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

In conclusion, the proposed development, subject to the safeguarding conditions, is considered to be acceptable and consistent with policies contained in the Argyll and Bute Local Development Plan and there are no reasonable grounds to recommend refusal.

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

(R) Reasons why Planning Permission or a Planning Permission in Principle should be granted

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

The proposal sits approx. 70 meters to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the Cenotaph which would warrant refusal. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. As such their replacement with a care home will enhance the character and appearance of the conservation area compared with the current situation. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

Under Policy SG LDP REC/COM 2 the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space

protection areas shown to be safeguarded in the LDP Proposals Maps shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

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

Under Policy SG LDP REC/COM 2 the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

(T) Need for notification to Scottish Ministers or Historic Scotland: N

Author of Report: Howard Young

Date: 01.08.2019

Reviewing Officer: Peter Bain

Date: 02.08.2019

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 19/01410/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 07.07.2019 and the approved drawings numbered

L(0-) 00 – Location Plan
L(0-) 02 Rev. A – Site Plan Existing
L(0-) 01 Rev. E – Site Plan Proposed
L(2-) 06 – Proposed Elevations
L(2-) 05 – Proposed Elevations
L(2-) 04 Rev. K – Floor Plan
L(2-) 03 Rev. K – Floor Plan
L(2-) 02 Rev. J – Floor Plan
L(2-) 01 Rev. H – Floor Plan
L(0-) 03 – Demolition Plan

and stamped approved by Argyll and Bute Council 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.

2. Notwithstanding the effect of condition 1, no development shall commence until full details or samples of the materials to be used on the construction of walls, roof coverings, driveway and car park space surfacing and gates 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.

3. Prior to works commencing on site details of turning provision within the site to enable all vehicles to enter and leave the site in a forward manner shall be submitted to and agreed in writing by the Planning Authority.

Reason: in the interests of road safety.

4. Prior to works commencing on site details of how it is proposed to prevent surface water from running on to the carriageway from the site shall be submitted to and agreed in writing by the Planning Authority.

Reason: To prevent surface water from running on to the carriageway in the interests of road safety.

5. Prior to development commencing and notwithstanding the provisions of Condition 1, no development shall be commenced until details of the surface water drainage system to be incorporated into the development have been submitted to and approved in writing by the Planning Authority. Such measures shall show separate means for the disposal of foul and surface water, the provision of a Sustainable Urban Drainage System (SuDS) and shall include details of how it will be maintained. Suds should be designed in accordance with CIRIA C753 and Sewers for Scotland 3rd Edition and include details of design calculations, method statement for construction, maintenance regime and ground investigation. The approved surface water drainage system shall be completed and brought into use prior to the development hereby approved being completed or brought into use.

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

6. 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 medical and other 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 SG LDP SERV 5.

7. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates.
- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of landscaping and in order to maintain the privacy of neighbouring properties.

8. Prior to commencement of development a scheme for the retention and safeguarding of trees during construction shall be submitted to and approved by the Planning Authority. The scheme shall comprise:

- i) Details of all trees to be removed and the location and canopy spread of trees to be retained as part of the development including those trees overhanging the boundary of the application site from Hermitage Park;
- ii) A programme of measures for the protection of trees during construction works including those trees overhanging the boundary of the application site from Hermitage Park which shall include fencing at least one metre beyond the canopy spread of each tree in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction".

Tree protection measures shall be implemented for the full duration of construction works in accordance with the duly approved scheme. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation.

9. Prior to works commencing on site details of any floodlighting, security lighting or other external means of illumination of the site shall be submitted to and agreed in writing with the Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: To protect the residential amenity adjoining properties and the surrounding area.

10. During the construction phase hours of operation are limited to:-

- 08:00 – 18:00 Monday – Friday
- 08:00 – 13:30 Saturday
- No noisy activities on a Sunday.

Reason: To protect the residential amenity adjoining properties and the surrounding area.

NOTE TO APPLICANT

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- The attention of the applicant / developer is drawn to the response made by Scottish Water in their letter dated 11th July 2019. Whilst Scottish Water has no objection in principle, the applicant/developer is advised to contact Scottish Water directly concerning connection to public water supply, public wastewater systems, surface water drainage and other regulatory advice.
- The Area Roads Manager has advised that a Road Opening Permit is required for any works on the road network.
- The Area Roads Manager advises that prior to works commencing on site, the hedge on the north side of the access shall be cut back and a visibility splay of 42 x 2.4 x 1.05 metres shall be provided. Thereafter it shall be maintained clear of all obstructions over 1.05 metres in perpetuity.
- Public Protection advise that the kitchen facility will require to comply with the Food Hygiene (Scotland) Regulations 2006.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 19/01410/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In the Argyll and Bute Local Development Plan (LDP), the application site is located within the Main Town of Helensburgh within the Upper Helensburgh Conservation Area. Under Policy DM1 this area of land is defined as a Settlement Zone - Main Town (Helensburgh) where residential development of large scale is acceptable subject to a site based criteria assessment.

B. Location, Nature and Design of Proposed Development

Planning permission is sought for the erection of a new care home for the elderly, consisting of sixty four bedrooms, staff accommodation, beauty salon and bars. The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and workers' amenity block. The irregular shaped site extends to approx. 3,172m² and borders Hermitage Park along the south-eastern boundary, tenement properties to the north and sheltered housing complex to the west. The buildings contained within the existing site are not listed, hold no architectural merit and were subject to conservation area consent for their demolition under application 19/00236/CONAC.

The proposed care home is L-shaped with a footprint of approximately 510 square metres. It comprises a northern and southern block. The northern block sits parallel to Prince Albert Terrace but at a lower level with a separation distance of 18 metres. The design statement shows this block with a ridge height sitting some 4.75 metres below this Terrace but this is inaccurate as the Terrace is shown with a pitch roof not an M shaped roof as is the case. The applicant has been asked to correct this by way of an amended plan and there is still sufficient information to properly assess the proposal. The southern block sits at right angles to the northern block. At its highest point the roof is some 15 metres high and is 10 metres from the adjoining Birch Cottages. The finishes shown are brick, stone, render and with a tiled roof. When viewed from the park it will appear as a four storey building, three storeys from Prince Albert Terrace and 2 storeys from the Sinclair Street access lane.

Policies LDP 3, LDP 8 and LDP 9 state, inter alia, that in all development management zones, the Council will assess applications for planning permission with the aim of protecting conserving and where possible enhancing the built, human and natural environment; will support new sustainable development proposals that seek to strengthen the communities of Argyll and Bute, and require developers and their agents to produce and execute a high standard of appropriate design. Policy SG LDP BAD 1 – Bad Neighbour Development states that proposals for developments classed as “Bad Neighbour” Developments will only be permitted where, inter alia, there are no unacceptable adverse effects on the amenity of neighbouring residents;

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

Objections have been raised concerning noise, smell and loss of daylight/sunlight. The site has operated as a Council Depot for many years with movement of cars, vans and equipment both early morning and at night. As such it is not considered that the activity associated with the proposed care home will substantially increase noise levels to adjacent residential properties. Environmental Health has been consulted and their response is awaited. In terms of daylight/sunlight it was considered that as the proposed development was some 18 metres to the south of Prince Albert Terrace and was at a lower level it would not have a detrimental impact on daylight or sunlight. Potentially it would impact on Birch Cottages. As such a daylight/sunlight assessment was requested from the applicant. This was submitted and shows that whilst there will be some impact, it is within acceptable limits and does not

constitute grounds for refusal. Given the above it is not considered that the proposal will have a detrimental impact on amenity and consequently accords with Policies LDP 3, LDP 8, LDP 9 and SG LDP BAD 1.

Under Policy SG LDP REC/COM 2 the development or redevelopment of formally established public or private playing fields or sports pitches or those recreational areas and open space protection areas shown to be safeguarded in the LDP Proposals Maps shall not be permitted except, inter alia, where the proposed development is ancillary to the principal use of the site as a playing field or the proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training. In addition, in the case of valued recreational areas (public or private), it can be adequately demonstrated that there would be no loss of amenity through either partial, or complete development.

When the OSPA was designated it included parts of the depot site which are of no value to the wider designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan. As such it can be argued that since it has been fenced off and used as part of the depot for many years, it does not form a meaningful part of the designation and is a small part of the overall OSPA that there would be no loss of amenity through either partial, or complete development. Consequently, the redevelopment of the site can be justified as a minor departure to Policy SG LDP REC/COM 2.

The key issues are the impact of the proposed development on the adjoining category A listed War Memorial and the wider Conservation Area. These are assessed in detail below.

C. Built Environment

The site is located within the Upper Helensburgh Conservation Area and 70m west of the Cenotaph/War Memorial located within Hermitage Park. The structure is listed Category A. The park itself is approx. 4.7 hectares and the memorial is in the north-western corner of the site contained within a walled garden. This walled garden originally formed the kitchen garden for the now demolished Hermitage House that used to stand within the park. The war memorial was added during extensive redevelopment in the 1920s. There are two key issues:

- a. Impact on Category A listed War Memorial
- b. Impact on Conservation Area

Impact on Category A listed War Memorial

The impact of the proposals on the setting of the war memorial is a key factor in determining this application. Historic Environment Scotland's document 'Managing Change in the Historic Environment – Setting' demonstrates criteria to be used to assess such an impact. It states that:

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced. Monuments, buildings, gardens and settlements were almost always placed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Over time, these relationships change, although aspects of earlier settings can be retained. The methodology and level of information should be tailored to the circumstances of each case.

Setting cannot simply be defined by a line on a map, and is likely to be unrelated to modern landownership or to curtilage, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, not all of which will apply to every case. These include inter alia:

- current landscape or townscape context
- views to, from and across or beyond the historic asset or place

- key vistas (for instance, a ‘frame’ of trees, buildings or natural features that give the historic asset or place a context, whether intentional or not)
- the prominence of the historic asset or place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting
- aesthetic qualities
- character of the surrounding landscape
- general and specific views including foregrounds and backdrops
- views from within an asset outwards over
- key elements in the surrounding landscape, such as the view from the principal room of a house, or from a roof terrace
- relationships with other features, both built and natural

The guidance sets out three specific stages.

- Stage 1 – identify the historic asset;
- Stage 2 – define and analyse the setting;
- Stage 3 – evaluate the potential impact of the proposed changes;

The asset is the cenotaph and its walled garden. With the asset identified, the setting of the monument should be considered, particularly how the surroundings contribute to the ways in which the monument is experienced. The monument is some 70 metres from the application site. The memorial garden is contained within a walled area, separating it from the rest of the park and creating an enclosed sense of space. The memorial is designed on a strong north-south axis, connecting to the park on the southern side via iron gates.

To the east and west, the memorial garden has no ‘enclosure’ of any great height from any existing trees within close proximity to the monument itself. The proposed redevelopment of the park includes alterations to the memorial garden and adjacent wider park. This includes the redevelopment of the former playpark into a new ‘kitchen garden’ area to the west of the monument and sitting between the monument and the application site. This new area will allow for community planting of a varied type as well as a new green house and store / bothy – this new area will form a new buffer between the memorial and the application site. In analysing the setting and, given that the monument sits within an enclosed walled garden, it is considered that the asset was designed to be viewed and enjoyed from a close-range.

Stage 3 is to evaluate the impact of the proposal on the identified asset. Historic Environment Scotland in their consultation response state that:

“We are not opposed in principle to development of the site. However, the new application does not sufficiently assess the impact of change this proposal would have on the War Memorial. While we recognise that the proposed development is some distance from the memorial, it is our view that its current massing, scale and height would have an impact on the memorial’s open parkland/landscape setting.”

The Council’s Conservation Officer has also commented on this as follows:

The Design and Access Statement (May 2019) states that “the massing, scale and height of the proposal can therefore not be considered to impact on the monument’s open parkland setting given it is small in all regards to the existing block at Prince Albert Terrace” however it is felt that this site is within the park context, rather than being a defining edge like Prince Albert Terrace. Therefore a step-down in height is not sufficient to mitigate the negative impact on the park and monument. It is felt that a suitable design on this site should respond sensitively to the park setting.

The Design and Access Statement (May 2019) states that “the monument is a considerable distance away from the application site” however HES’s professional assessment was that that whilst being some distance away from the memorial the current massing, scale and height would have an impact. No change has been made to the siting or massing of the proposal so these comments are still relevant. And whilst HES’s position in terms of the previous proposal was not to object as the issues are not of national significance, it is considered that these historic environment issues are still of regional or local significance and should therefore be assessed carefully by the local authority.

The proposal has been designed, to sit lower than the existing dwellings on Prince Albert Terrace to create a natural ‘step down’ in height towards the park. Prince Albert Terrace will remain the tallest and most dominant building on the skyline. Therefore, the proposals do not adversely change the experience already in place by the existing historical built surroundings. The application proposal will not interrupt views of or to the monument.

The existing depot site is partially screened from the park due to existing mature trees along the eastern site boundary between the depot and the park. The proposed building footprint has been pulled away from this boundary to allow the trees to be retained where possible. Any trees to be pruned or removed as part of the proposals will need the prior consent from the Council and a condition has been attached requiring a landscaping scheme.

The memorial garden and monument are primarily orientated with a strong north-south axis. HES state that the *“massing, scale and height would have an impact on the memorial’s open parkland/landscape setting.”* The war memorial is located at the northern end of the park which limits the setting to this section of the park area. It is considered that the key view is from within the park looking north to the cenotaph. When viewed both at the gates and some 50 metres back from within this part of the park the setting is not affected as the proposed development site sits some distance at a peripheral angle in this view and is set behind trees. From within the walled garden looking south the key views are of the park with any proposed new build at an angle, in peripheral vision and set behind trees. When viewed west to east there is no impact as the new build is behind. Only looking east to west in the walled garden will the new care home be visible. Consequently, whilst the comments of HES and the Conservation Officer are noted, the dominating feature will continue to remain Prince Albert Terrace and this won’t change if the care home is approved. The proposal sits approx. 70 meters to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the cenotaph which would warrant refusal.

Impact on Conservation Area

Scottish Planning Policy requires that proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. This advice is reflected in Local Development Plan Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas. Argyll and Bute Council Sustainable Design Guide, 2006 also offers advice on urban infill citing three options: contemporary ‘landmark’ development, contemporary ‘integrated’ development and traditional design.

The Conservation Officer has stated the following:

“Whilst the architecture of the wider conservation area is very varied and must be considered, there are direct relationships between the site and the prominent linear bounding form of Prince Albert Terrace, and to the open parkland setting. Therefore the materials and details used must first respond to these direct relationships, with the wider context (albeit important) being secondary to this.

Grey tiled roof – no change from previous proposal so previous comments still apply – natural slate should be used in this setting. The red brick is not considered to be suitable for the parkland setting as it would neither integrate harmoniously nor make a high quality contemporary statement. The

windows feature astragals - there is no clarification if these are proposed to be real, multi pane windows or stuck on astragal bars but in either case are pastiche.

As detailed in this assessment, it is considered that this proposal is not suitable for the site from a heritage/design point of view however if consent were granted then samples should be submitted for all materials as well as details of the proposed windows.”

The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. It is within this context that the redevelopment of the site has to be assessed including adjoining and surrounding properties.

The larger block in which the depot site sits is a mix of architectural styles and finishes. To the north is Prince Albert Terrace, a sandstone block of flats, unlisted but of some architectural merit. The terrace faces onto Victoria Road. The properties on the north side of Victoria Road are of modern design with a mix of finishes including timber, stone and render. These properties have little positive impact on the conservation area at this point. Indeed they form part of the backdrop to the setting of the war memorial and affect it more so than the proposed care home which is at a peripheral angle. To the south west are Birch Cottages which are also modern in style and finish. South and east is the park characterised as primarily tree filled open space. There is no distinct style, pattern or building line. The application site is set back from both Sinclair Street and Victoria Road and is contained by adjoining land and trees. Existing trees which screen the site are protected by virtue of being in the conservation area and additional planting will be required by condition. As such the care home will preserve the character and appearance of the conservation area and compared with the current situation the redevelopment of the depot site will be an improvement. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.

D. Biodiversity

A small watercourse runs adjacent to the site on the eastern boundary within Hermitage Park, this has no impact upon the proposal. A bat survey has been submitted. The stage 1 survey in May recorded that there were potential roost features in the buildings, suitable for use by crevice crawling species such as Pipistrelles. Soprano Pipistrelles were noted in flight in the vicinity of the buildings. However, in the follow up survey in June no bats were observed to enter or exit the buildings. The Council's Bio-Diversity Officer has indicated no objections. It is therefore considered that the proposal would be consistent with Policy SG LDP ENV 1 which seeks to protect habitats and species.

E. Impact on Trees

Policy SG LDP ENV 6 – Development Impact on Trees/Woodland presumes against development likely to have an adverse impact on trees by ensuring through the development management process that adequate provision is made for the preservation of and where appropriate the planting of new woodland/trees, including compensatory planting and management agreements. Limited information has been provided re the potential loss of trees. However, the trees that are there help screen the site. It is anticipated that some of these will be removed but conditions can be attached requiring a tree survey, protection measures and replacement and additional planting.

F. Road Network, Parking and Associated Transport Matters

The Area Roads Manager has been consulted and has no objections to the proposal. The proposed care home will utilise the existing access from Sinclair Street currently serving Birch Cottages. The Council's Area Roads Manager requires parking and turning for 25 vehicles and these are shown within the site.

G. Infrastructure

The Council's Flood Risk advisor has indicated no objections subject to a SuDS condition which is attached. Policy SG LDP SERV 5 and SG LDP SERV 5(b) require details of waste arrangement to be

submitted along with the planning application. The Design Statement indicates a service area but no further details are indicated. As such a condition is attached that no works in connection with the development 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 medical and other waste from the site.

H. Previous Planning History

The proposed development was the subject of pre-application discussions (18/01908/PREAPP). In the pre-app report it was indicated that:

The footprint of the building, at the northern part of the site is located within the most appropriate area for development and is a sufficient distance away from the tenement terrace at 1-8 Prince Albert Terrace, Victoria Road. I am happy with the scale and massing of the proposal in this location. Although there is a boundary of tall mature trees to north, these may be impacted by development so I would advise they are protected during construction if they fall within the development site.

Concerned that the scale and massing at the southern part of the proposal, adjacent to 9 to 11 Birch Cottages, which is excessive and will have a detrimental impact upon residential amenity by way of overshadowing and overlooking. I note floor plan levels 00, 01 and 02 indicate windows located less than 9m from the front garden boundary of 9 to 11 Birch Cottages, I would advise the footprint of the proposal, at this location, be set back further to the east. I also feel that, at this scale, it would be visually prominent within the grounds of the park. In general, these changes should be feasible by the reduction in density of the number of rooms.

The external appearance of the proposal requires altered, to be either more in keeping with this traditional established residential Conservation Area (pitched roof, dormer windows, strong gables, chimney breast etc) or to push beyond the expected design standard and create a more ambitious through provoking design exemplar. Materials selected should reflect this ambition.

The application submitted under reference 19/00237/PP showed an L-shaped block comprising 2, 3 and 4 storeys. A total of 71 bedrooms were proposed. Following discussions in which concerns were raised regarding the design and impact of the proposal on Birch Cottages a draft amended design was submitted for discussion. This showed additional features and a variation in materials to break up the bulk of the building. As the changes were considered material the original application was withdrawn. The current application is assessed on its merits in terms of development plan policy and other material considerations. From the assessment it is considered that the proposal is consistent with development plan policy and there are no other material considerations which would merit a recommendation to refuse.

I. Conclusion

Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes that the determination of a planning application shall be made in accordance with the development plan unless material considerations indicate otherwise.

This is a nuanced and balanced decision given the nature of the development and its location within Helensburgh Upper Conservation Area and adjoining the Cenotaph. The existing site was a former Council depot and has been used for some time as the Hermitage Park Depot consisting of a substantial 1960/70's depot buildings with storage/garage space and worker's amenity block. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. It is within this context that the redevelopment of the site has to be assessed including adjoining and surrounding properties.

The site is in the conservation area and the larger block in which the depot site sits is a mix of architectural styles and finishes. To the north is Prince Albert Terrace, a sandstone block of flats, unlisted but of some architectural merit. The terrace faces onto Victoria Road. The properties on the north side of Victoria Road are of modern design with a mix of finishes including timber, stone and render. These properties have little positive impact on the conservation area at this point. Indeed they

form part of the backdrop to the setting of the war memorial and affect it more so than the proposed care home which is at a peripheral angle. To the south west are Birch Cottages which are also modern in style and finish. South and east is the park characterised as primarily tree filled open space. There is no distinct style, pattern or building line.

The proposed development is classified as largescale which is acceptable within main settlements such as Helensburgh subject to a site based criteria assessment. It is considered that the use, scale, design and materials of the proposed development are acceptable in terms of land use policies and consistent with the surrounding settlement character. No objections have been received from statutory consultees regarding access, flooding and surface water run-off or bio-diversity.

Part of the site is an Open Space Protection Area (OSPA). Policy SG LDP REC/COM 2 Safeguarding Sports Fields, Recreation Areas and Open Space Protection Areas presumes against the development or redevelopment of such sites. However, it can be argued that since it has been fenced off and used as part of the depot for many years it does not form a meaningful part of the designation. This matter was referred to the Development Plan team who previously advised that the OSPA boundary will likely be amended in the emerging Development Plan.

The key issues are the impact of the proposed development on the adjoining category A listed War Memorial and the wider Conservation Area.

The proposal sits approx. 70 metres to the west of the asset and the care home is contained within its site. It is separate and distinct from the park and the views from key vantage points in terms of the setting of the memorial will give peripheral and limited views of the care home. On this basis it is considered that the proposal would not have any substantive impact on the setting of the Cenotaph which would warrant refusal. The buildings contained within the existing site are not listed, hold no architectural merit, make no positive contribution to the wider conservation area and were subject to conservation area consent for their demolition. As such their replacement with a care home will enhance the character and appearance of the conservation area compared with the current situation. Given the above the proposal accords with Policies SG LDP 16(a) and SG LDP 17.