

**MINUTE of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING  
COMMITTEE held in the MAIN HALL, VICTORIA HALLS, SINCLAIR STREET,  
HELENSBURGH on WEDNESDAY, 16 OCTOBER 2019**

**Present:** Councillor David Kinniburgh (Chair)

Councillor Robin Currie	Councillor Jean Moffat
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor George Freeman	Councillor Sandy Taylor
Councillor Donald MacMillan BEM	Councillor Richard Trail

**Attending:** Iain Jackson, Governance, Risk and Safety Manager  
Howard Young, Area Team Leader - Planning Authority  
Peter Bain, Development Manager – Planning Authority  
Derek Scott, Planning Consultation for Simply UK – Applicant  
Linda Meston, Director of Care for Simply UK – Applicant  
Donal Toner, Project Architect for Simply UK – Applicant  
Nigel Millar, Secretary of Helensburgh Community Council – Consultee  
Norman Muir, Convener of Helensburgh Community Council – Consultee  
Jean Craig, Objector  
Christopher Packard (on behalf of Mrs Robertson), Objector  
Alison Holliman, Secretary for the Trustees of Friends of Hermitage Park  
Association, Objector  
Jackie Baillie MSP, Objector  
Richard Cullen, Objector  
Michael Davis, Objector

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Gordon Blair, Rory Colville, Audrey Forrest, Graham Archibald Hardie and Roderick McCuish.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. SIMPLY UK: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF  
RESIDENTIAL CARE HOME (AMENDED DESIGN): HERMITAGE PARK DEPOT,  
102A SINCLAIR STREET, HELENSBURGH (REF:19/01410/PP)**

The Chair welcomed everyone to the meeting and introductions were made. He then outlined the procedure that would be followed and invited the Governance, Risk and Safety Manager to identify all those present who wished to speak.

**PLANNING**

Howard Young gave the following presentation on behalf of the Head of Development and Economic Growth.

As indicated this is an application by Simply UK for a 64 bedroom care home on the old depot site near Hermitage Park. It was continued from the July meeting of PPSL for today's discretionary hearing.

Before I go into the formal analysis and assessment I need to cover two issues. Firstly an alleged conflict of interest.

Councils have always had Permitted Development Rights to carry out works as part of their function. When I first started over 30 years ago the limits were works not exceeding £100,000 and no change of use. Nowadays the limits are £250,000. If planning permission was required Councils had to go through a process known as Notification of Intention to Develop (NID). They applied to themselves and if they were minded to approve it was passed to Scottish Government.

That process has changed. Councils can grant themselves planning permission in the normal way. If they have an interest in the site such as here Scottish Government makes it clear that there must be separate and distinct processes involved. The marketing and sale of the site must be carried out by one section of the Council and the planning application by another. In this case the marketing and sale of the site has been done by Estates and the planning application dealt with by Planning. In certain cases a decision can still be referred to Scottish Government. Circular 3/2009 states that:

### **1. Development in which planning authorities have an interest**

Development:

- (a) for which the planning authority is the applicant/developer;
- (b) in respect of which the planning authority has a financial or other (e.g. partnership) interest; or
- (c) to be located on land wholly or partly in the planning authority's ownership or in which it has an interest;

in circumstances where the proposed development would be significantly contrary to the development plan for the area.

In this instance the proposed development would not be significantly contrary to the development plan.

We are often approached by developers seeking pre-application advice on a site. We set out the policy background and possible material considerations and give informal advice about the viability of the proposal. It always has a caveat in the advice is informal and may change depending on consultee responses and other third party representations. The Council as planning authority is required to assess planning applications having regard to the relevant provisions of the Local Development Plan, and to any other relevant material considerations. In this respect it is noted that the assessment of an application is about deciding on balance whether the relevant factors indicate that planning permission should be granted or not. In many cases the proposal will rest upon compliance with technical criteria where the difference between compliance or non-compliance is relatively clear cut, in others such as design and impact upon setting of the historic environment, the relevant criteria may be more open to interpretation and as such it is open to officers to form their own professional opinion on such matters in determining applications or

preparing recommendations to the Planning, Protective Services and Licensing committee. Whilst officer's recommendations may differ from the informal views expressing preference for a different design approach at an earlier stage in the process whilst seeking to negotiate improvement of the proposal with the developer, officers ultimately require to determine the application before them based upon all relevant consideration. In this instance the developer has subsequently made it clear that they do not intend to reduce the scale of development and accordingly officers are now faced with the task of assessing the current application as it stands notwithstanding any alternative preference on design options which they may previously have expressed informally.

Section 25 of the Planning Act requires planning applications to be assessed against Development Plan Policy and other material considerations. The Policy background is set out in the original report of handling. You also have three other Supplementary Reports for consideration which tidy up any loose ends in terms of late representations and consultee responses. Since publication of these reports a further late representation has been received from Christine Woods who objected to this application as follows – *“As a resident of Victoria Crescent I object to the potential increase of cars parked in Victoria Crescent and Victoria Road. Victoria Road is already a heavily parked road and further congestion would be detrimental for residents living in Victoria Road and Victoria Crescent.”*

At the last Hearing I did for Hunters Quay I got feedback from Members saying they found it useful when I flagged up what I considered to be the key issues. In this case I consider them as follows.

## **SITE BASED CRITERIA ASSESSMENT**

### **IMPACT ON THE SETTING OF THE CATEGORY A LISTED CENOTAPH/WAR MEMORIAL**

### **IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA**

#### **Site based criteria assessment**

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.

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. 3,172m<sup>2</sup> 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. 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.

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.

## Impact on setting of listed building

The impact of the proposals on the setting of the war memorial is a key factor in determining this application.

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 character and appearance of the 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.

As I have indicated in the conclusion to my report this is a nuanced decision. For the reasons stated I consider the scheme can be supported and the recommendation is to approve subject to conditions.

## **APPLICANT**

With the aid of slides the following presentation was made on behalf of the Applicants.

### Derek Scott

My name is Derek Scott and I am here in my capacity as a Planning Consultant to the Applicants (Simply) to speak in support of their application which is seeking planning permission for the erection of a 64 bed care home on the site of the former Council Depot off Sinclair Street, here in Helensburgh.

We have a team of four with us today, myself, Derek Scott, Mrs Linda Meston, who is Simply's Director of Care and Mr Donal Toner, the Project Architect, from DTA Architects, who is assisted by his colleague Mr Claudio Marini.

Simply are a Glasgow based development and Investment Company established in 2008. Whilst active throughout the UK the main focus of their business activities is here in Scotland where they are involved in a variety of development sectors including, healthcare, retail, industrial, leisure and residential. The company has built or are in the process of building nine care homes in Scotland including facilities in Bothwell, Inverness, Elgin, Hamilton, Bridge of Weir, Perth, Stirling, Musselburgh, Brechin and Lanark, with more in the pipeline.

The current application site, is, as you are aware, owned by your Council. Few will disagree that the existing buildings occupying it, detract significantly from the character and appearance of the area. I am also led to believe that the buildings, the site generally and its immediate surrounds are a magnet for all sorts of undesirable activities.

Our clients submitted a bid to purchase the site from your Council in March 2018 which was accompanied by a layout showing a 74 bed care home facility, indicative massing and heights and associated vehicle movements. It was made clear by your Council, prior to make that bid, that all offers received, would be assessed, not only on the basis of price offered, but on appropriateness and suitability for the site and the area within which it is located. A number of bids were received, all of which were considered by a panel of officials from your Planning, Roads, Legal, Economic Development and Property Departments. Our client's offer was preferred; one assumes because of the broad party of professionals who assessed it, considered it to be the best and most appropriate proposal for the site.

It appears from representations made on the application and to other articles I have read in preparation for today, that there is little opposition to the principle of developing a care home facility on this site. Indeed I understand that a survey, undertaken by the Community Council in 2015, identified that the preferred use was for sheltered accommodation or as a care home facility.

I am not in the slightest bit surprised by this as there is an acute shortage of care home bed spaces in this town; indeed in the entire Argyll and Bute Council area which brings me to the point at which I would like to introduce and hand you over to Linda Meston, the Director of Care at Simply, who will elaborate on the need for the facility proposed in the context of the dynamics required to operate a modern,

successful and efficient care home facility. These are all very important considerations in the determination of the application before you.

### Linda Meston

My name is Linda Meston and I am the Director of Care at Simply Care Group.

My position within Simply is to research, identify and oversee the running of Simply's Residential Care Facilities throughout the UK.

During my research we identified a need within the Argyll and Bute Council area for the provision of a modern, fully compliant care home providing added care home beds.

After researching the Council localities, we determined a need for the provision of a care home would be best suited to Helensburgh area due to the centralisation of Helensburgh and the population of the town.

Our research was further verified by the Council's own report that examined the effects of different strategies to determine anticipated demand for care home beds for Local Authority funding residents within Argyll and Bute.

The Council report confirmed the need within Argyll and Bute for an increased provision of care home beds in each proposed scenario with the number of currently available beds consistently falling short of the number required when considering local authority funded residents alone.

The shortage will be further accentuated by considering the number of self-funded residents who will also require residential care. Failure to address this need will and does inevitable result in residents from Helensburgh and indeed from Argyll and Bute having to move out of the locality to receive care.

With the aid of slides it was demonstrated that there would be an increasing shortage ongoing to 2022 and beyond for Argyll and Bute as a whole and for Helensburgh town.

We originally proposed to build a 75 bedded care home in Helensburgh. This was reduced to a 64 bedded care home by our Architects who will address this shortly.

This is the lowest number of beds that we can operate to make the home financially viable while providing the facilities required by the new Health and Social Care Standards and the staffing levels required to deliver a high standard of care.

### Donal Toner

My name is Donal Toner and I am a Consultant Architect with DTA Chartered Architects in East Kilbride.

As Architects, we were appointed to assess the potential of this development opportunity against the parameters of Simply's exacting care standards, the Care Inspectorate's own requirements and the requirements of Argyll and Bute Council through its Planning Authority.

Engagement with Planning officials took place as part of the initial feasibility study and was done through a formal pre application stage in July of last year. As you are aware, the site is owned by your Council and was used as the Hermitage Park Depot. The site has now been vacated and it is our intention to demolish the existing buildings which are not listed and hold no Architectural merit. Indeed, Conservation Consent and the Demolition Warrant have already been granted by your Council.

The proposed site lies adjacent to Hermitage Park which has undergone an extensive regeneration programme. The park itself lies within the Upper Conservation Area in Helensburgh, covers approximately 4.7 hectares and contains within it an A Listed War Memorial within a walled memorial garden.

The walled area separates the monument from the rest of the park and creates an enclosed sense of space. This enclosure is echoed by the backdrop of mature trees along the northern boundary. The memorial was designed on a strong north/south axis connecting to the park on the southern side. In analysing the setting, it can safely be concluded that the asset was designed to be viewed and enjoyed from close range.

Our proposal has been designed to sit lower than existing dwellings on Prince Albert Terrace to create a natural “step down” in height towards the park.

Thus, the proposals do not adversely change the visual experience already in place by the existing historical built surroundings. The application proposal does not interrupt views to and from the Monument nor would it affect anyone’s ability to appreciate the historic asset contained within the walled garden setting.

The existing depot site is partially screened from the park due to the existing mature trees on the eastern boundary. The proposed building footprint has been designed to allow existing trees to be retained thus lessening the impact of the development proposal. The Memorial Garden and Monument are orientated with a strong north/south axis with views southward over the rest of the park. Our proposal sits 80 metres to the west of the asset and does not interrupt views to and from the Monument.

This can be demonstrated on this Plan where the Memorial is highlighted in red and the Application site is shown in green. Further demonstration that our proposal does not have an adverse impact on the historical asset is noted by Historic Environment Scotland, consulted as part of the application in a letter dated 3 May 2019 where they clearly state “our view is that the proposal does not raise historic environment issues of national significance and therefore we do not object”.

Without wishing to dissipate the outline concerns from the objectors, I do believe that the main thrust of their concerns is the scale and massing of our proposal. This very issue was raised at an early stage in Planning discussions and a compromise and balance was reached by the proposal being reduced by removal of the top storey. I would point out that any further reduction in density would make the proposal economically non-viable. Design guidance asks that designers take precedent and reference to surrounding buildings when considering the scale and massing of new buildings within the Conservation area; with that being said it is not possible to ignore the scale of Prince Albert Terrace given it neighbours the application site. The scale and massing of this block has been considered so as not to dominate the adjacent tenement terrace and is of a traditional form to tie into its surroundings. The pre

application report, in reviewing this relationship, found that the Planning Officer noted that *“the development is sufficient distance away from the tenement terrace at 1-8 Prince Albert Terrace. I am happy with the scale and massing of the proposal in this location”*.

Turning to the detailed proposals, we have designed 64 bedrooms over 2 blocks in an ‘L’ shaped arrangement which defines the site and helps create secure garden areas with separate parking/servicing facilities. Given the sloping topography of the site, affords the opportunity of a basement/garden level of accommodation that facilitates the back of the house and serving areas to the rear whilst exploiting garden bedrooms facing onto the secure courtyard landscaping. The northern block rises to 3 storeys on top of the basement level, whilst the southern block is smaller in massing to take account of the adjacent Birch Cottages development. The design intent was to take precedent from the historical context within the Conservation area and apply these principles in a more modern, but sympathetic approach. The external treatment of the proposal takes from a pallet of the surrounding area and building types in order to retain the character in line with your Council’s Sustainable Design Guidance.

The majority of the properties in the vicinity are blonde/red sandstone tenements and villas with slate roofs, traditional windows and proportions. Some newer additional render buildings are also present and these can be seen on this slide. From this reference point, we have selected a roof of traditional style utilising a low pitch slate effect grey tile with overhangs and feature gables.

We have used – continuous blonde sandstone base course throughout; blonde sandstone quoins, window heads and cills and some feature horizontal banding; feature textures and multi coloured red brick to key areas; and white render areas to break up the elevations.

The material are to reflect and take cognisance of the Conservation area that the site sits within. The guidelines issued for the Conservation area highlight that “a unifying characteristic of Helensburgh is the extensive use of local sandstone, typically reddish, pink or warm pale grey in colour, which was extensively used as a walling stone”.

Similarly, the proportions of the windows have been carefully considered to be of a style in keeping with those of the tenements and villas however will offer almost floor to ceiling windows to allow significant natural light into the residents’ bedrooms. The windows are to have feature astragals typical of the historical windows found on existing surrounding buildings. The material choices and window styles again are reflective of the recommendations found within Argyll and Bute Council’s Sustainable Design Guidance 3.

The northern block is set back a sufficient distance from the tenement terrace along Prince Albert Terrace, Victoria Road, to maintain appropriate window to window distances between the proposed north-facing bedrooms and adjacent properties. The block has been designed such that it allows a natural and logical step down reduction in height from Prince Albert Terrace towards the park to follow the topography of the landscape.

The southern block is smaller in height to reflect the relationship between the proposal and the neighbouring Birch Cottages. From the main entrance, this block

appears as two storeys under a traditional slate-effect pitched roof with blonde sandstone base course and feature red textured brick above. Since the pre application enquiry, we have reduced the mass of this block in line with the Planner's comments by removing the bedrooms to the western side of the top most storey. The neighbouring Birch Cottages is a single storey building under a pitched roof, with the cottage flats being level with the proposal's lower ground floor. At the lower ground floor, our proposal has no windows to prevent direct overlooking issues with Birch Cottages. The positioning of the proposal on the site has also been carefully considered so that at ground and first floor level, there are only two proposed bedrooms on each floor that face Birch Cottages (no 9 Birch Cottages only); the remainder of Birch Cottages extend further south beyond the proposed care home and therefore have no direct overlooking and over shadowing concerns. Where the proposed bedrooms (4 in total) face No 9 Birch Cottages, given the site levels, the proposed bedrooms look into the roof space at ground level or over the top of the existing property at first floor level, again alleviating any potential concerns of overlooking.

A shadow study carried out confirms that throughout the year there are no over shadowing issues directly affecting the existing amenity of Birch Cottages. As can be seen in the Shadow Studies shown in this slide, it is clear that the proposal does not impact upon the existing surrounding properties and, indeed, was the pertinent reason for the selected orientation of our design on this site.

The proposals have also been designed with the consideration of the current Care Inspectorate design guide to ensure the proposed care home offers its guests the optimal environment to aid their care. The introduction of external terraces from the main communal living spaces for example is one such design consideration that will offer guests a more private external area to enjoy the view over the private gardens and wider Hermitage Park. These spaces have been designed to face south and east achieving the best possible use of the morning and afternoon sun for residents.

The private garden space has also been carefully designed by DWA Landscape Architects, in response to the Care Inspectorate design guides, to ensure that the space is usable, safe and importantly of a high standard to allow guests to enjoy and use the space in a number of ways. The parking area will also see the introduction of new planting and trees around the car park and at the main entrance.

The proposals also allow for on-site parking for both visitors and staff. As part of the planning application, the Roads Department were consulted on the application proposals and returned their response on 7 May 2019. They returned no objections to the proposals, subject to conditions that will be upheld. As part of their report, the Roads Department have confirmed that *"The proposed site layout has 25 no spaces including disabled bay which is acceptable given the scale of the development"*.

The site is accessed off Sinclair Street via an existing access point which presently serves the former depot as well as a limited number of parking spaces for the adjacent Birch Cottages. The proposals do not seek to alter this arrangement. Once again, the Roads Department are satisfied by the use of this access point and have requested that the existing hedge growth be cut back to re-instate the existing 5.5 metre wide access road. These works will be carried out by the Applicant. The proposed internal road layout allows for 5.5 – 6 metres road widths allowing sufficient space to manoeuvre both cars and serving vehicles. A dedicated service

area to the southern-most area of the site will allow for all deliveries to be contained away from the pedestrian entrance.

### Derek Scott

There are five key points I would like to leave you with this morning, which, in my opinion, are very significant material considerations in support of the application before you.

1. There is a significant under provision of care home bed spaces, not only in this town (Helensburgh) but in the entire Argyll and Bute Council area.
2. The removal of the former depot buildings and the redevelopment of the site for the care home facility proposed will significantly enhance the character and appearance of an unkempt derelict site within the Helensburgh Upper Conservation area and in the process make a very worthwhile and beneficial contribution to the area's landscape.
3. The site, as it presently stands, is a magnet for all sorts of undesirable and unsocial activities. Its redevelopment for the care home facility proposal, will introduce an active and very beneficial use in this area and act as a deterrent to the continuation of such inappropriate behaviour in the future.
4. The facility proposed will create a total of 60 employment opportunities (maximum of 20 at any one time) and in that respect it will make a significant contribution to the local economy through both direct and indirect benefits.
5. The application site is presently owned by your Council and will be purchased by our client for the development of a much needed care home facility in this town. Your Council and its people will also benefit from the revenue to be derived from the sale of this site, revenue that, I would hope, will be reinvested in the provision of new facilities or the improvement of existing.

On behalf of my client, Simply, I very respectfully request that you grant planning permission for the facility proposed in light of the huge benefits to be derived from it; benefits which I and other members of my team consider far outweigh the perceived disadvantages advanced by a very small percentage of the town's population.

### **CONSULTEES**

#### Helensburgh Community Council

#### Nigel Millar

Mr Millar advised that he was a member of Helensburgh Community Council and Chair of the Planning Group. He advised that as a statutory consultee the Community Council were notified of all planning applications and they took their role very seriously.

Referring to a series of slides he highlighted the depot site which bordered to the north of Prince Albert Terrace which, he said, was one of only two Victorian Terraces in Helensburgh. He highlighted other areas around the site and advised that he took exception to it being said that any improvement would be better than what was

currently there. He confirmed that it would as, at the moment, the site was a dump but, he said, that any remarks that this would be an improvement were irrelevant in planning terms but correct in real terms.

He advised of the need to assess the application against what was in the Local Development Plan which, he said, did not cover job opportunities and care beds. He said that they needed to confine their assessment to what was in the Development Plan and particularly to the design. He advised that Helensburgh was one of the most beautiful towns in Scotland with a high number of category A listed buildings which included Hill House and the war memorial in Hermitage Park. He said that they could not confine themselves to what they liked or did not like and that it was about what was in the Local Plan and the planning policies contained therein.

He advised that in 2014 when the site was becoming available they immediately called a meeting of residents to find out what they would like on the site and the answer was social or sheltered accommodation or a care home. He confirmed that this has been their position all along that they were in favour of a care home.

He advised that their objection to this proposal was in relation to the design of the building and in relation to parking and the access.

He pointed out that the Local Plan stated that Helensburgh was a place of outstanding built heritage which they agreed was the case. He stressed the importance of this development fitting into the existing properties; that it should make a positive contribution to its surrounding area; that it should be compatible with neighbouring properties and that poor quality or inappropriate layout should be discouraged. He said that these were the parameters which the Community Council used when making their assessment. He advised that a new development in the Conservation area had to be of the highest quality and respect all of its surrounding area. He said it should preserve and enhance the surrounding area.

He referred to the Helensburgh Design Statement and the Community Council's assessment of the proposed development against this design statement. He advised that their assessment concluded that the building was indifferent in design and could be anywhere; that it was very commercial and semi industrial; and that it was mundane and lacked variety. He advised that their assessment gave the design a rating of 7.4 out of 24. He pointed out that the development would be a much larger building than anything else surrounding it and that it would dominate the landscape. He commented that the Community Council did not think that the proposed building had any sense of identity with its neighbours and did not think that it was a viable quality addition to the Helensburgh Conservation area.

He then referred to traffic concerns and said that he had noted the Council's Roads Officer had no objections. He advised that from a layman's point of view the Community Council could not see how 25 spaces would be enough to service this development. He said that it would be very busy with medical and nursing staff, 24 hours per day, and with domestic and other service staff. He said that they would all require parking. He referred to delivery vehicles and refuse lorries and to friends and relatives visiting those staying in the home. He said that they could not see how 25 spaces would be enough and that they had not seen any kind of analysis. He questioned whether or not the access road would be wide enough for the refuse lorry and ambulances and he said that they needed reassurance on this.

He advised that the junction onto Sinclair Street would be much denser than it was at the moment. He referred to new traffic lights put in as part of developments at Hermitage Park. He said that this was going to be a very busy junction and that he thought analysis of any road safety requirements at this junction should be undertaken.

He referred to concerns about Birch Cottages. He said that was a very tranquil development of 12 residences. He said it was very quiet and that they would now have a very big wing of the care home looking in on their properties. He referred to 4 car parking spaces allocated to Birch Cottages for carers, friends and their families. He commented that if the car park at the care home was full they would use these spaces at Birch Cottages and then go onto Sinclair Street. He advised that at the moment the residents of Birch Cottages enjoyed direct foot access to Hermitage Park and that this will be enhanced by a café adjacent to the play area. He said that if that area became an access point for deliveries etc that amenity could be seriously challenged. He asked that this direct access to Hermitage Park be maintained and made up to a local authority standard road.

He said it was not clear if there was a pedestrian access from the care home into the park. He advised also of concerns about noise during the construction stage.

He then listed 5 recommendations the Community Council would like to put forward.

1. Design – reduce the height of the building by one more storey. He said that the viability of the development was not a planning consideration.
2. Roof and external cladding are bland in the extreme. Want to make a building of this size more interesting. He showed pictures of what the Community Council considered were better designs. He referred to the Waitrose supermarket having a distinctive entrance and also to the entrance into the Council's own Civic Centre which, he said, was a fine building and very well landscaped and that it was his view that this building could be listed in the future.
3. Distinctive entrance - he advised that the approach going down to the building should show something attractive, with dramatic distinctions and an expression of what was trying to be achieved inside the building.
4. Birch Cottages – retain direct pedestrian access from Birch Cottages to Hermitage Park and make it up to local authority standard so that people with mobility issues can have easier access.
5. Restrictions during construction phase – hours of working, weekend working, use of noisy equipment, site storage etc.

He confirmed that the Community Council welcomed care home provision but had serious concerns about what was proposed today. He said that they wanted a care home but a better one than this. He said that he would like the Committee to listen to the community.

Finally he referred to the quality of the drawings. He said that the Community Council took their role as a statutory consultee very seriously and that they could only operate on the information they were given. He advised that they had been

given very poor, sub-standard drawings and that they had been left in a position of wondering what the building would look like.

### Norman Muir

Mr Muir, Convener of Helensburgh Community Council gave the following presentation.

#### **Introduction**

It should be made clear at the outset that the Helensburgh Community Council does not object to the construction of a care home per se on the site. However, such a development has to take cognizance of the fact that it fits into the context of the surrounding urban environment within a conservation area in the town with the minimum of disruption. Our objection lies in the overpowering scale of the proposed development, inappropriately located in an area of restricted space, which, if approved, will blight the area in the future.

The proposed application lies within the Helensburgh Upper Conservation Area. This area contains a significant proportion of the architectural heritage of Helensburgh. Conservation in this context is the planned management, care and protection of such an environment for future generations. This is further reinforced by the presumptions against development that do not fulfil such criteria in Argyll and Bute Local Development Plan 2.

#### **Local Development Plan**

There is a presumption against development in a conservation area that does not protect, conserve or enhance the character or appearance of the area. There is also an expectation that any new development in a conservation area should respect the special qualities of architecture and history which led to the designation of the conservation area.

In particular, there is a presumption against development that does not conserve or enhance the integrity of scheduled monuments. This planning application is situated immediately adjacent to the Helensburgh War Memorial which is a Grade A listed building. Development that have an adverse impact on Scheduled Monuments or their settings will not be permitted unless there are exceptional circumstances.

#### **Environmental Heritage**

These structures are amply supported by both the Architectural Heritage Society Scotland and more pointedly by Historic Environment Scotland. The Architectural Society objected to both the original and current application on the grounds that any development needs to complement the environment and meet the standards that have been recognized in the conservation designation. Interestingly, the Society stated that Argyll and Bute Council is obliged to ensure that the characteristics that were recognized in the designation of the Upper Helensburgh Conservation Area are perpetuated for posterity.

Historic Scotland have stated that this application did not, in their view, sufficiently assess the impact of change the proposal would have in the War Memorial and its setting. They did not formally object to the planning application on the grounds that

the proposals did not raise historic environment issues of national significance. However, they point out their decision not to object should not be taken as their support for the application. Historic Scotland also made the point that planning authorities are expected to treat their comments as a material consideration and that this should be taken into account in any decision-making.

### **Conservation Issues**

Conservation areas are areas of special architectural or historic interest which it is desirable to preserve and enhance for future generations. Helensburgh has two conservation areas with a proposal in the offering for a third. The community is therefore acutely aware of the importance of protecting this aspect for the future. We are supported in this regard since both Historic Environment Scotland and the Architectural Society of Scotland have both expressed strong negative views on the planning application.

Conservation is not confined to the preservation of the heritage of the town. It also applies to the built environment and its inhabitants that co-exist with the town's heritage. Thus, conservation in this case embraces the immediate built environment of Albert Terrace, Birch Cottages and the parkland of Hermitage Park. You will hear in detail directly the objections of both sets of resident and the Friends of Hermitage Park to this planning application. Their objections are wholeheartedly endorsed by the Community Council. However, it is extremely concerning for the Community Council that the second housing conurbation directly affected by the proposed development is the 12 – cottage complex Birch Cottages which offers sheltered and protected housing for those in quiet retirement.

The proposal for a 64 – bed care home contained in two blocks, one of 4 storey height the other of 3 storey height, in the tightly constrained area of the former Argyll and Bute depot completely overwhelms both Albert Terrace and the Birch Cottages on its mass and scale. The Argyll and Bute Council former depot is tightly enclosed by surrounding existing real estate which accentuates the overpowering dimensions of the proposed building. It is the sheer scale of the proposal which is at issue. A 64 bed care home enclosed in multi-storey blocks, is at odds with the physical and environmental characteristics of the listed War Memorial, the Hermitage Park and the surrounding urban habitation. Furthermore, it will create unintended consequences for the immediate geographical area.

### **Traffic Issues**

The entry to the proposed site is via a slip road off Sinclair Street, the town's main thoroughfare. It is circa 5 meters in width. It allows two cars to pass each other, but it is likely to be problematic for larger vehicles including ambulances and delivery trucks. Access to and from Sinclair Street will be a constant issue since no road changes to take account of the increase in traffic are proposed apart from trimming a hedge to improve visibility.

The proposal for a 64 bed care home will attract considerable staffing support for the complex medical and Alzheimer's – managerial staff, nurses, care assistants, laundry personnel, cleaners, cooks, notwithstanding medical doctors, physiotherapists, social workers and quality of life services such as hairdressers , podiatrists, etc. Missing from such a list of course the most important element, visiting members, relative etc. Parking space in the congested area is already

allocated to Birch Cottages' residents. The site plan includes car parking space for 25 vehicles. There will be clearly insufficient parking available and the overflow from the site will create considerable vehicle congestion in the surrounding geographical area.

## **Summary**

Any planning proposal in Helensburgh has, in the end, got to result in a lasting benefit to the town and importantly fit into the existing urban structure. The proposal should, above all, find favour and acceptance among the local population. This planning application has no such support in its current form. The sheer size and scale of the building proposed is entirely inappropriate for the restricted geographical area it is intended to be built in. Also, it is socially intolerable that the mass of the building will overpower existing urban development, in particular the vulnerable resident of Birch Cottages. Access and exit to and from the site will be a constant difficulty due to the existing physical geography. The parking density already prevalent in the surrounding area will increase to congestion level.

This is the second application of this proposal to come forward. We were to believe that the first one was deemed to be inappropriate for the principle reasons underlying the objections being presented to you today. The short turnaround between the first and second applications in which nothing very much has changed leads one to surmise that the planning system in Argyll and Bute has been treated with a degree of contempt and that the inevitable conflict of interest between the issue of conservation and the commercial gain of property development has not been sufficiently explored.

## **Recommendation**

As I stated at the beginning of this presentation, the Community Council supports the principle of a care home in this conservation context. But the build has to be sympathetic to its surroundings and acceptable to the residents in the immediate area. A considerable reduction in the scale of the building would be an acceptable compromise and it is recommended that this reduction would accomplish that.

## **OBJECTORS**

### Jean Craig

Mrs Craig of Birch Cottages advised that she was 81 years old and that she believed that this was the wrong site for building a large care home. She said that the building would overshadow cottages numbered 9, 10, 11 and 12 and that sunlight would be blocked from their bedrooms and kitchens. She advised that they would have no privacy whatsoever and that the noise from building the home would be horrendous. She advised that she was happy and content in her little flat and never thought that she would have to endure a building site outside her own home. She said that access to the site was totally unacceptable and would not be wide enough for turning. She advised that if the application went ahead the level of disruption day to day would impact seriously.

### Christopher Packard

Mr Packard advised that he was speaking on behalf of Mrs Robertson who lived at 9 Birch Cottages. He said that 7 of the Birch Cottages housed people with dementia and that they needed peace and quiet. He advised that Mrs Robertson was currently recuperating from a major operation which would restore limited mobility to her. He said that it was very important as part of her recovery to get out and take gentle exercise and that Mrs Robertson had many concerns about the current proposal. He confined his comments to the lane to the east of Birch Cottages which provided access to Hermitage Park. He said that it was his understanding from the proposals for the care home that if approved this would deny access to the park from his lane. He advised that this was the only access Mrs Robertson had to the park and that this would impact on the exercise she has to take.

He advised that Birch Cottages were residential homes for people of advancing years. He said that the east side and north would be seriously affected by noise during construction and once the building became operational. He referred to the horrors of living close to a construction site. He said that it would come within 15 ft of the rear door and kitchen window of Mrs Robertson's cottage. He asked what measures the developer would take to keep noise to a reasonable level. He advised that once the care home became operational the access route to the park would be the access route for delivery vehicles. He advised that he lived just outside the Commodore Hotel and that he observed traffic and lorries coming in and out of that location all day. He said his house was 100 ft from where these lorries turned. He advised that in this case there would be an access road going down less than 15 ft from the back door of one of those cottages which, he said, was a very objectionable situation. He said that the size of these lorries would be much too large to be trundling up and down there by the cottages which were meant for people to have peace in their advancing years. If asked, if this application was granted, that limitations be placed on the times when lorries and other vehicles may access the building.

### Alison Holliman

Ms Holliman advised that she was the Secretary for the Trustees of the Friends of Hermitage Park Association. She provided a brief background to the Association which was established in 2011 when local residents, concerned about the poor state of repair and decay of the park decided to do something about it. She advised that they worked tirelessly to preserve and enhance the park for all. Eight years later, working in partnership with the Council, they were just over half way through a £3.7 m restoration and regeneration project. She said that a significant part of the work was the restoration and conservation of the Grade A listed War Memorial. She advised that the Trust did not feel this proposed development would contribute to this or the park as a whole in a positive manner.

She confirmed that the Friends did not object to the development of the former depot site as a care home but they strongly objected to this current proposal by Simply UK. She said that the proposal was simply too high, too tall and an inappropriate design for the Conservation area. She advised that it would be adjacent to an OSPA and close to the war memorial. She said that they thought it would have an adverse visual impact on the war memorial and detract from its sense of place and amenity. She advised that the Friends wanted to restore and regenerate the park for the benefit of residents and visitors to Helensburgh as a key recreational space for all to

enjoy and benefit from. She said they did not set out to create a beautiful parkland setting for a massive new building to overlook it and dominate it. She said that great effort had been applied to this regeneration, not least the Passivhaus pavilion nestled into the bank so as not to dominate its surroundings or distract from the baronial B Listed Victoria Halls, the park as a whole or impact on nearby residents. She advised that the setting of the war memorial had been enhanced by the creation of a belvedere, terraced and grass banking and the removal of the old Japanese shelter.

With regard to the setting of the memorial, she advised that the Applicant and Planning have, in the opinion of the Friends, failed to fully grasp this concept and how it applied to the War Memorial. She pointed out that HES, the Council's Built Heritage Conservation Officer, the Architectural Heritage Society of Scotland, Emeritus Professor David Walker and numerous others had all advised that the proposal would have an adverse impact on the setting of the War Memorial. She said that the Applicant and Planning have argued that the war memorial was designed to be viewed close up. She advised that its setting was multi-layered. She advised that the names could only be read close up but the memorial itself was a centre piece of the park. She said that at the highest point it could be viewed from all over the park. She advised that it was a destination and key to the sense of place created by the park and beyond. She said that the monument and reflecting pond were enclosed in a former walled garden and that this walled enclosure was also part of the A Listing. She said this was closer to 45 metres from the development site boundary rather than 70 metres. She commented that when you entered the enclosure through its symbolic gates you became aware of a different space to the rest of the park. She said it was a consecrated, reflective, moving, peaceful and revered place and was one of the finest war memorials in the land. She advised that it stood alone and was not crowded in or overshadowed or dominated by large buildings.

She said that HES was the nation's guiding force in how we cared for our heritage. Its purpose was to ensure that the cultural, social, environmental and economic value of Scotland's heritage made a strong contribution to the wellbeing of the nation and its people. She said that HES had to be consulted on all developments that would affect an A listed building. She advised that the Council did not consult HES on this proposal and that they were only made aware of this development after being notified by a private individual. She advised that the views of HES were a material consideration in the planning process.

She said that HES have advised that the development proposed did not assess the impact to change this proposal would have on the War Memorial and its setting. She advised that HES had stated clearly that the current massing, scale and height would have an impact on the memorial's open parkland/landscape setting and that HES encouraged a clearer assessment of those setting impacts, and opportunities for reducing the impacts to be explored. She advised that HES had noted other developments in the area took account of the memorial and did not over dominate it. She advised that HES' view that the current proposal was too big and would have an adverse impact on the War Memorial, its garden and its wider setting of the Park was clear. She said that the Applicant and Council Officer had failed to fully identify the historic asset by overlooking the fact that the walled garden was also part of the A Listed Monument. She advised that the assessment did not fully define and analyse the setting in accordance with *Managing Change in the Historic Environment – Setting* policy by not considering the setting of the memorial garden within the

setting of the park. She said that the Friends thought it was disingenuous for the Design Statement and Handling Report to take part of a sentence from the HES consultation response out of context to argue that HES did not object. She pointed out that HES were constrained by what they could formally object to.

She advised that the proposal contravened the following material considerations – LDP STRAT 1(d) and (e); LDP 3, LDP 8, LDP 9, SG LDP ENV 16(a), SG LDP ENV 17 as well as the advice of the expert witnesses HES and the Council's Built Heritage Conservation Officer.

She advised that the Friends would like to see the planning application in its present form refused. She said that they would prefer if it was withdrawn and resubmitted with an appropriate design that respected the park and War Memorial.

She said the Friends did not object to the development of the site but any new development had to be sympathetic to its location and respect the War Memorial, Hermitage Park as a whole and the Conservation area.

### Jackie Baillie MSP

Mrs Baillie advised that she had reviewed the substantial number of representations and valued each and every one of them. She said that it was her job to represent their views wherever possible. She confirmed that no one had contacted her to object to a care home. She advised that the problem was essentially the scale and height of the development. She commented that the Applicants withdrew their original application and resubmitted it but the changes made were minimal and failed to alleviate concerns. She advised that a 4 storey high building was too tall would dominate the area and be out of keeping with the vicinity. She advised of hearing from the residents of Birch Cottages of how it would overlook and overshadow the cottages. She referred to the development being within 10 metres of the cottages. She commented that we did not get much sunshine. She asked the Committee to listen to the people that lived there who advise that the building would be within touching distance and would create shade over their properties. She referred to the development being set in a Conservation area and being adjacent to the a-listed memorial. She referred to the Applicant quoting from a letter from HES dated 23 July 2019. She advised that a lack of formal objection from HES did not constitute support for this proposal.

She acknowledged that the site of the development site was currently unkempt and derelict. She said this was not a planning consideration. She advised that there was a presumption against development that did not preserve or enhance a Conservation area. She advised that simply arguing that a 4 storey building was better than what was there before was not a justification.

She referred to conflict of interest and noted what Mr Young had said. She advised that it was a fact that the proposed development breached the Local Development Plan. She responded to the view from Mr Young that this was minor and said that this was subjective. She said that she thought this would be a significant departure from the Local Plan. She advised that the Health and Social Care Partnership (HSCP) had undertaken a care home rationalisation exercise and that this development had been referred to in Council meetings as a done deal. She advised that the Council owned the land. She acknowledged the need for a care home. She said this needed to be affordable too. She advised of listening to some about

assumptions of self-funding and the number of current places which may not bear out in reality. She said this was not a planning consideration. She advised that the Committee could not ignore the planning considerations about the scale and height of the development in its location. She advised that if the building had been reduced she would have been surprised if everyone would be sitting here now. She said that the height was the single local concern. She asked the developer to withdraw their application to enable them to reflect on the concerns about the height of the building and its impact on the area. She asked, if the developer was not prepared to do that, that the Committee refuse the proposal in its current form.

### Richard Cullen

Mr Cullen advised that he had been asked to represent the views of the residents of Prince Albert Terrace and Birch Cottages. He advised that as residents of a Conservation area this was greatly important and that preservation was the key.

With the aid of presentation slides he advised that 94% of the residents that would be most affected by this planned 4 storey building had submitted an objection. He explained that this would have been 100% but some were too ill or frail to make their objections. He pointed out that in the wider community 57 letters of objections were submitted and that this was over and above the residents of Prince Albert Terrace and Birch Cottages. He said that there had been no letters of support from the community.

He confirmed that they did not object to development of the site or to the site being used for a care home. He pointed out that this was a common theme heard today.

He advised that they objected very strongly to a 4 storey building of poor design quality which would have a negative impact on their lives and amenity. He also advised that they objected to the excessive scale and mass of the proposed building and that they objected to being overlooked and to the negative impact on the Conservation area.

He advised that the building would overlook the rear of Prince Albert Terrace. He pointed out that the façade facing Prince Albert Terrace would contain 21 windows, each one a different bedroom, occupied by a different resident. He said that this ignored the Council's Sustainable Design Guidance 3.

He referred to overshadowing and advised that the rear elevations of Prince Albert Terrace at numbers 6, 7 and 8 (four purpose built flats), their gardens and the rear access lane would be overshadowed by the 4 storey building. He said that the shadow diagram in the Design and Access statement did not show the full impact of overshadowing on the Terrace despite the developers claim to the contrary. He also advised that the submitted diagram did show that Birch Cottages (number 9) would suffer from overshadowing.

He then referred to the Building Line and advise that the proposed building would protrude beyond the building line of Albert Terrace gable end. He advised that because of the height of the elevation at this point the building would be clearly visible from Victoria Road and would damage the visual impact of the terrace, its sense of place and would create an uncomfortable spatial relationship.

He referred to comments made by the Council's Heritage and Conservation officer and also comments made by a Planning Officer on the previous application which had been withdrawn. He said that minimum changes were made to the proposal before being resubmitted.

He advised that the following comments made by the previous Planning Officer were still relevant -

"The scale of the proposal is excessive and needs to be reduced, the most northern section (3 storey) is visually oppressive in relation to the residents of 6, 7 and 9 Prince Albert Terrace and requires to be reduced in height to not exceed two storeys".

"The section to the south is considered overbearing upon 1 – 12 Birch Cottages creating an over dominant and incongruous structure that is out of scale within this enclosed residential area. My view is that this should be reduced in scale to not exceed 2 and a half storeys, this southern section also impacts upon the adjacent Public Park by being visually prominent affecting the sense of place that a park creates".

He pointed out that the Applicant had ignored this advice and resubmitted the proposed building with 4 storeys.

He referred to plans showing the Upper Helensburgh Conservation area and highlighted the proposed development site within that. He suggested that this was probably the centre of the Conservation area. He advised that being in a Conservation area brought with it additional requirements when it came to Planning.

He read out the detail of Policy LDP 3 – Supporting the Protection, Conservation, and Enhancement of our Environment. He said that it had not been ascertained that the development would avoid adverse effects. He advised that the Planning Officer in supporting this application had pointed out some adjacent properties having little positive impact on the Conservation area as a justification to permit a building which the Council's own Heritage and Conservation Officer has deemed unsuitable. He advised that this justification ignored the guidance of LDP 3 which highlighted the dangers of cumulative effects.

He then referred to policy SG LDP ENV 17 which stated that there was a presumption against development that did not preserve or enhance the character or appearance of a conservation area or its setting. He advised that they have been told it does enhance the area.

He then referred to the proposed building's external treatments consisting of red brick, white render, grey tiled roof, and astragal windows of an indeterminate design. He advised that the proposed treatment took no account of the relationship it would have with the Victorian Terrace which would be adjacent and which was constructed of blonde sandstone with a slate roof. He advised that Red brick has never been used in Helensburgh.

He then referred to the views expressed by the Council's Heritage and Conservation Officer, advising that the Officer considered that this proposal was not suitable for the site from a heritage/design point of view. He stated that these views had been ignored.

He then referred to policy LDP 9: Development Setting, Layout and Design and advised that the aim should be for the highest quality building on this site.

He read out section 63 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 – notwithstanding the acceptability of the proposals in terms of other planning issues, if any proposed development would conflict with the objective of preserving or enhancing the character or appearance of the designated area there should be a presumption against granting planning permission.

He commented that it had been seen that the scale, mass, exterior treatment and positioning of this proposed 4 storey building did indeed conflict with the preservation and enhancement of the Upper Helensburgh Conservation area and, he advised, if nothing else this was grounds to reject this application.

He advised that there were clear and compelling material planning grounds on which the Committee could refuse this application. He said that by refusing this application the Committee would preserve and protect the Upper Helensburgh Conservation area; the quality of life of residents of Prince Albert Terrace and Birch Cottages; the sanctity of the War Memorial; and enable the site to be used for an appropriate development which was considerate of the sensitivities of location and its neighbours.

He asked the Committee to refuse the application.

#### Michael Davis

Mr Davis advised that he strongly believed that this proposal would have a hugely negative impact on the Conservation area. He said that this was a development of considerable scale which would be wedged into a small site. He advised that the site appeared to be inappropriate for a development of this scale and impact.

He referred to its close proximity to other things. He advised that it would be very close to Prince Albert Terrace and commented that the Committee have heard the issues regarding overlooking. He referred to its close proximity to the park and to hearing how it would overlook the park and the great deal of money that has been spent on the park. He referred to the issue of the war memorial and said that he could only emphasis what has been said before and that it was about the whole area and not just the monument. He said that there were clearly great issues here because of the proximity, appearance and visibility and that it seemed there was too little space for the development. He advised that there would be a negative impact on the amenity ranging from potential parking congestion to cluttering the landscape in the Conservation area.

He also advised that he thought that the development was an inappropriate design. He said the scale would be domineering. He said it would be deeply visible and the design was unimpressive. He commented that the materials to be used did not seem appropriate for its setting. He said that it seemed the entire project in the design terms that ran through it were deeply unimaginative. He commented that a number of years ago a slogan was banded about Helensburgh ‘be better, be excellent’. He said that this design did not remotely reach the foothills of that approach.

He advised that at times less was more.

The Committee adjourned for lunch at 12.55 pm. The Chair indicated that the Committee would reconvene at 1.40 pm.

The Committee reconvened at 1.40 pm, adjourned and recommenced at 1.44 pm.

## **MEMBERS' QUESTIONS**

Councillor Trail asked the Applicant to explain the business model of Simply UK. The Executive Officer, Christopher O'Brien advised that the Simply UK Group developed and traded care homes and that they also provided social housing to organisations such as Clyde Valley Housing Association and North Lanarkshire Council. He said that Simply UK have been operating for 18 years and running as a Group for 15 years. He advised that the developments they carried out were for themselves as a Group apart from the social housing. He added that they also provided a small element of commercial properties. He confirmed that their main business was developing and overseeing care homes.

Councillor Redman asked the Applicant how many jobs would be created by this development. Ms Meston confirmed that there would be 60 full time equivalents. She advised that they did not have temporary employees as such. They were sometimes approached by qualified nursing staff who wished to go on a bank. She advised that anyone coming to them would be on a contract, would receive training and would be managed under their structure.

Councillor Currie referred to Mr Cullen commenting that there had been 57 objections to this application. He sought and received confirmation from Mr Cullen that the population of Helensburgh was 14,500.

Councillor Currie referred to Mr Cullen saying that the Committee should not take account of economic benefit as it was not a material consideration in planning terms. Councillor Currie advised that as far as he was concerned economic benefit was a material consideration and he sought clarification on this from the Planning Officer. Mr Young confirmed that Councillor Currie was correct. He said that economic benefit was a material consideration and that it was up to the Members of the Committee to decide how much weight to apply to this. Mr Young also confirmed that any benefit a Council received from a sale was not a material consideration.

Councillor Moffat asked Ms Meston what the staff ratio to patient would be. Ms Meston advised that staffing/patient ratios were set in the past by the Care Inspectorate and that for general staffing this was 5:1 and for patients requiring nursing and those with dementia it was 4:1. Ms Meston advised that the Care Inspectorate have now washed their hands of these guidelines. She confirmed that Simply UK continued to staff at a minimum the previously suggested staffing rates but looked to enhance this through activities etc put in place. At the same time, on a monthly basis at the very least, or more often as needed, they carried out dependency studies to ensure people were still getting appropriate care and, if required, staffing was increased to take account of a person's change in circumstances.

Councillor Moffat sought and received confirmation from Ms Meston that all of their staff received training in-house. She explained that all of their staff received a very

intensive induction period of training and that they received much more than the legal requirement for training. She advised that they have a very intensive programme for the staff working for them and as a lot of their clients have dementia they pushed forward from the normal skill level. She indicated that every person working in the care home, from washing dishes etc would receive training in dementia care so that they would know how to react to dementia clients.

Councillor Taylor commented that much of the discussion and concerns raised today had been that the proposed care home would not enhance or improve the conservation area. He asked Mr Young to explain to Members the basis of how he made his assessment on this and to also give a better understanding of the parking places that have been allocated. He commented that he was aware that there was a standard applied for residential housing and asked if there was a standard for this type of development. Mr Young confirmed that the standard for this type of development was one parking space per 4 beds and one parking space per 2 staff. In terms of the roads consultation he confirmed that his roads colleagues recommended 25 parking spaces when the development was originally for 74 beds and that they were still recommending 25 spaces even although the beds have reduced to 64. He confirmed that the parking allocated to Birch Cottages would be maintained. Mr Young then went on to explain the process they followed when determining any planning application. For this development he explained that as he did not know the depot site well, he carried out a site inspection as this would be the first part of determining the context of the site, the second part was Prince Albert Terrace and the third Birch Cottages. He explained that some housing behind the war memorial was of poor quality and pre-dated the Conservation area. He advised that this part of the Conservation area did not have the same character as that further up. He advised that once he had looked at the site in context he would turn to Section 25 of the Act, Development Plan Policy and any other material considerations including advice received from statutory consultees, including the Council's Heritage Officer and HES. He explained that the Heritage Officer and HES make their assessments purely on built heritage whereas he had to look at the wider issues. He confirmed that he had to take on board the views of HES and that he had tried to echo that in the body of the report. He advised that he had to make a decision on whether or not a development preserved or enhanced the Conservation area. He stated that he thought that this development at least preserved the Conservation area. He said that it was not just about replacing something poor with something else and that it was wider than that. He confirmed that he had taken account of the war memorial and that he had tried to be fair and do this on a professional basis. He advised that he also tried to take on board the views of objectors.

Councillor Douglas advised that she had listened to everyone this morning regarding the HES side of things and the fact that this was a Conservation area. She referred to having issues with people wanting to replace windows but because they lived in a Conservation area there had to be a standard. She commented that this was a modern development and questioned how they could enforce someone living in a Conservation area to have sash and case windows when this proposed development did not even have a slate roof. Mr Young referred to the Council's Window Policy document about the replacement of windows and said that it was not the case that in a Conservation area you had to have sash and case windows. He advised that each case was judged on its own merits and that within a Conservation area there were different townscape blocks with different characters. He said that if a building had a very important focus then he would refuse an application for plastic windows.

Councillor Redman commented that at the site inspection he was quite alarmed at the condition of the site and how dilapidated it was. He asked if there had been any complaints about this area. Mr Young advised that throughout Argyll and Bute there were certain sites that were dilapidated and caused concern to locals. He confirmed he was not aware of any complaints being made about the depot site.

Councillor Freeman sought and received confirmation from Mr Millar that the information contained in the A3 document circulated during his presentation referred to the previous application that had been withdrawn and did not relate to this application.

Councillor Freeman sought and received confirmation from Mr Young that the difference in the ridge height of Prince Albert Terrace and the ridge height of the proposed development was 4.5 metres.

Councillor Freeman sought and received confirmation from Ms Meston that the figure of 45 in relation to bed shortages was specific to Helensburgh town based on the local authority study which had been undertaken.

Councillor Freeman referred to comments about the building line. He said that the building line referred to this morning was from the gable end of Prince Albert Terrace heading down towards the site. He advised that it had always been his understanding that when talking about the building line this was the line running along an adjacent street. Mr Young confirmed that was correct. Councillor Freeman asked if this meant the comments made about the building line this morning were irrelevant in this case. Mr Young said that he believed it would be a minor material consideration. He advised that the building line would have been crucial if it was next to Prince Albert Terrace on Victoria Road itself.

Councillor Freeman referred to the visit this morning being very helpful as it allowed the Committee to see what the issues were. He then referred to discussions about the impact the gable end of the development would have on the war memorial. He advised that it was his understanding that the trees there would virtually hide the gable end of the proposed development whereas the gable end of Prince Albert Terrace would be much more prominent. He asked Mr Young if this was his view. Mr Young replied yes but to be fair to the people in Prince Albert Terrace that building pre-dated the war memorial. He confirmed that the trees would help screen the gable of the northern block. He said that he was concerned to make sure the trees were protected and that he had included a condition for tree protection measures and landscaping.

Councillor Freeman referred to comments this morning that some people have been saying this development was a done deal. He asked Mr Young if he had heard this over the years with other planning applications. Mr Young advised that he knew from social media that anything the Council did was treated with cynicism. He advised that from his own perspective he has not heard this was done deal and this was not a consideration in this application. He confirmed that he has said right from the beginning in terms of conflicts of interests he kept things separate. He advised that what Estates did was separate to what Planning did. He confirmed that any comments about it being a done deal he ignored and rejected.

Councillor Douglas referred to comments made by Mrs Holliman that the Council had not consulted HES and that it had been a private individual that had approached HES. She sought clarification on this. Mr Young confirmed that he had been in contact with HES and spoken to them on a number of occasions. Mr Bain explained that when a planning application is first submitted it is dealt with by a central validation team and that this was a desk exercise to ensure an application was competent and to ascertain which statutory consultees needed to be consulted. He advised that the desk based team looked at the application in its immediate setting and it was only once a Planning Officer later assessed the application that the wider setting was looked at and the onus was on them to trigger that consultation. He advised that it was a planning judgement as to whether a building would have an impact on a setting and if it was considered that a development would have an impact on a listed building it was at that point HES could be consulted. Mr Young confirmed that he always erred on the side of caution and went the extra mile to get other people on board.

Councillor Kinniburgh referred to the conditions recommended to protect the trees and to the 3D image in the presentation by Mr Cullen which showed 21 windows facing Prince Albert Terrace. He also referred to the site visit where he saw quite a few trees in the vicinity of the development site from Prince Albert Terrace. He asked the Applicants if it was their intention to leave these trees. Mr Scott confirmed that it was their intention to leave the trees on the boundary of the site with Prince Albert Terrace.

Councillor Kinniburgh referred to sunlight and daylighting issues and asked the Applicant if they had taken this into account as the trees would be quite high in relation to the windows proposed. The Applicants confirmed that the windows would be floor to ceiling in height and were as large as possible to take as much light as possible. He advised that during the winter when the light was low the trees would be bare.

Councillor Kinniburgh sought and received confirmation from the Applicant and Mr Young that the 18 metre separation distance met the privacy standards.

Councillor Kinniburgh asked Mr Cullen if this 18 metre separation distance gave him comfort about overlooking. Mr Cullen said that for 6 months of the year the trees would have no leaves so this would increase visibility to properties. He pointed out that the trees bordering the park had been marked for felling by Simply UK and the Council. He said they had been marked with blue crosses. He also advised that the trees on the border leaned outwards and in order to physically construct the building they would need to be taken down.

Councillor Kinniburgh sought comment from Mr Young on the trees marked for removal. Mr Young advised that Melissa Simpson was looking after the park and there had been discussion about a couple of trees coming out. He confirmed that Ms Simpson had advised that permission would be required for any trees to be removed. He advised there have been discussions between Simply UK and the park as the park have been doing a lot of tree management and that there have been discussions to see how it would impact on the development. Ms Simpson had confirmed that there has been no consent for the removal of trees and that this would have to go through the planning process.

Councillor Kinniburgh referred to hearing about the listed war memorial being 70 metres away from the proposed development and the wall being 40 metres from the development. He sought Mr Young's view on this. Mr Young advised that whether the distance was 70 metres or 40 metres was not an issue for him regarding the setting of the war memorial.

Councillor Kinniburgh asked Mr Young how many car parking spaces were available to Birch Cottages. Mr Young advised that he could not recall the exact number.

Councillor Kinniburgh asked Mrs Craig if there were currently parking issues at Birch Cottage. Mrs Craig said that there were issues especially when carers came to park. She advised that they had to park in the street or at the other end of the site just now. She advised that it was also an issue with people parking on Sinclair Street if there was an event on in Victoria Halls.

Councillor Kinniburgh asked if additional parking was coming to serve Victoria Halls. Mr Young advised that the provision of parking for Birch Cottages was dealt with when they were built in the 1970s. He advised that he did not believe the provision of 25 car parking spaces would cause problems. He said that he thought there was more parking planned for Victoria Halls. He advised that parking was a historical problem.

Councillor Freeman sought and received confirmation from Mr Young that Roads had not raised any concerns about parking and traffic.

Councillor Kinniburgh sought and received confirmation from Mr Young that it was his professional opinion that the use of red brick in the proposed building would work.

Councillor Kinniburgh asked Mr Young what weight he would give to the Conservation Officer's opinion. Mr Young advised that the opinion of the Conservation Officer was a material consideration as was comments from HES. He advised that the Conservation Officer and HES concentrated on the built heritage whereas he had to look at the bigger picture. He advised that they have raised issues which were important and that these have been taken into account in the assessment of this application. He advised that it came down to how much weight Members wanted to put on it. He confirmed that their comments were a material consideration in the determination of this application in terms of the character of the conservation area and the impact on the war memorial.

Councillor Kinniburgh sought and received confirmation from Mr Millar that the Community Council supported the arguments put forward about the size of the building over dominating the site and over dominating neighbouring properties. He advised that if the building came down by one storey on both wings that would be acceptable.

## **SUMMING UP**

### **Planning**

Mr Young confirmed that his assessment was based on Section 25 of the Town and Country Planning (Scotland) Act 1997 and that design was a key issue and was very subjective. He referred to Mr Millar saying that he had looked at other buildings

including Waitrose and the Civic Centre and commented that when the application for the Civic Centre had been submitted Helensburgh Community Council had commented at that time that it looked like a B and Q warehouse. He advised that he did not have the luxury of waiting for something to be built before deciding that something was good or not. He advised that he had set out the key concerns following a site based assessment. He referred to the impact of the war memorial and the impact on the Conservation area and advised that this part of the Conservation area was a mixed bag. He referred to the CALA development built in the 1980s before the Conservation area came in which was also the case for Prince Albert Terrace. He also referred to a modern development further along. He advised that this assessment was based on the context not just of the depot site but this part of the townscape block and that he believed the development would at least preserve and may enhance this part of the Conservation area. He confirmed that he did not think the war memorial would be impacted due to the separation distances and peripheral views. He advised that access was fine and that environmental health had made no objections in terms of noise. He said that they had suggested a condition about construction times which he would be happy if Members wanted to look again at that.

He confirmed that based on planning policy and all other material considerations including representations from consultees he was happy to recommend approval of the application.

### **Applicant**

Mr Scott thanked the Committee for the time given to everyone to speak. He advised that there were a number of issues he would like to come back on.

He advised that the key one and the nub of the case was the comments made by objectors that if we removed a storey of the building then the objectors would not be here objecting. He advised that the reality of the situation was that Simply UK would not be here with the application if they had to take a storey off as the development would be uneconomical. He said that this comment made by objectors very significantly showed that they had no concerns about the materials to be used in the design of the building and it showed they had no concerns about alleged overlooking at Prince Albert Terrace and Birch Cottages.

He said that the key issue was the height of the building and the impact arising as a result of that on the Conservation area, the war memorial and the amenity of the surrounding properties. He referred to concerns expressed about the impact of the facility on the war memorial and he pointed out that all parties had referred to the representation submitted by HES. He advised that as Donal Toner had pointed out HES have simply stated that the massing, scale and height of the building will have an impact on the open landscape setting but they have not said the impact will be adverse. He advised that what HES have said was they encouraged a clear assessment of these setting impacts but they have not objected to the application as they do not consider this as of historical national significance. He pointed out that HES were not at the hearing and advised that notwithstanding what Mr Young had said, if HES were concerned they would have come today. He advised that given the distance from the memorial to the building and also the intervening trees between the two, Simply UK were comfortable that the development would not impact on the setting or ambiance of the area. He demonstrated this by referring to photomontages shown in his earlier presentation. From these he said it gave him

great difficulty to see how the proposed building would detract from the setting of the listed memorial.

Referring to residential amenity of Birch Cottages and Prince Albert Terrace, he advised that they submitted studies in support of their application that concluded that the amenity of the surrounding properties would not be adversely affected as a result of overshadowing or loss of daylight and loss of privacy. He said that the many objecting parties had stood up and made quite flamboyant and good presentations but these points had not been supported by professional studies. He advised that with regard to the concerns expressed about the proximity of the proposed building with Prince Albert Terrace, the Local Development Plan stated a minimum clearance of 18 metres and that this has been provided. He drew attention to some 7 metres between the proposed buildings and the back garden walls of Prince Albert Terrace and also the trees along that boundary. He said that the proposed development would not result in unacceptable levels of overshadowing or loss of light to these properties. He advised that in the summer they commissioned and spent time assessing the impact on Birch Cottages and that they have determined to the satisfaction of Planning Officers that they will not suffer. He advised that one objector had referred to the proposed development being 15 feet away from a property. He said the measurement was 10 metres which was 30 feet.

Referring to car parking he advised that Mr Young and colleagues had outlined the requirements for this. He said that Mr Young had outlined that roads were initially satisfied that 25 spaces were sufficient for a 74 bed home and that this was now a 64 bed home. He indicated that the vast majority of the staff that would be employed at this facility would not travel to work by car. He advised that this was one of the first considerations and that this particular site was ideally located close to bus stops and the train station, making it probably the most sustainable care home facility that Simply UK have or were looking to have at the moment. He advised that the car parking spaces were on a par with other areas. He commented that their facility in Bridge of Weir, which he said, was a considerably less sustainable location in terms of accessibility to public transport, provided 18 spaces and this was a 74 bed home.

Referring to the general access route, he confirmed that they were proposing to clear vegetation and cut back the hedge to increase the width of the access road to 6 metres. He pointed out that you were allowed a width of 5.5 metres to serve a site with 200 properties. He advised that traffic movements to and from a facility of this type would be insignificant. He confirmed that in terms of deliveries there would be 2 per week for food and 1 per week for waste. He said that the development would be a low traffic generator.

He referred to Helensburgh Community Council advising that they had listened to a number of objections made by third parties. He pointed out that only 57 submitted representations to the Council in opposition to the care home and advised that this equated to 0.34% of the town's population. He said that Helensburgh Community Council have objected and spoken against the proposal and he asked the Committee if they were confident that the Community Council's views were representative of the community they were claiming to represent. He commented that Simply UK had been inundated with people asking when the facility would be open and ready to use. He advised that the Community Council had provided no evidence that they had gone out and sought the views of the community on the proposal in the same way as they did when seeking views from the community on what they wished for the site.

## **Consultees**

### Helensburgh Community Council

#### Nigel Millar

Mr Millar referred to the last point made by the Applicant on the level of representations made. He advised that when considering an application it's usually those most close to the vicinity that commented. He pointed out that in a small village that could be pretty near 100% of the population. He advised that it was misleading to suggest that representation on this application was low and he asked the Committee to reject that argument. He confirmed that the Community Council consulted the community and that the vast majority of the representations were from the immediate vicinity as they would be the ones most affected by it.

Referring to parking he confirmed that he had heard the arguments and said that it begged belief that 25 spaces would be sufficient. He questioned if there was an overflow where would that go. He said that firstly it would be to Birch Cottages and then onto Sinclair Street.

He advised that the Community Council's main concern was on design. He advised that they based their assessment on local plans and other documents and determined what would be a good design for Helensburgh. He advised that they also looked at the characteristics and that they had clear guidelines and used the same system as Gareth Hoskins when they assessed the design for the pier site.

He confirmed that they wanted the development reduced by one storey and that there were other ways to improve the design and make it satisfactory for the neighbours and the Conservation area. He commented that there could be improvements to the roof design and to how the entrance looked. He advised that the Community Council stood by their assessment. He said that he did not appreciate the "cheap shots" from Planning.

#### Norman Muir

Mr Muir advised that the argument here in terms of the Conservation area was that the building was inappropriate in size and sheer scale. He referred to comment by the Applicant that if the building was reduced by any amount it would become an uneconomic prospect. He advised that if the development were to go ahead it would be a blight on this town for as long as it was maintained. He said that this was an issue of heritage. He referred to the plans produced being very poor and that there was no concept of how the building would look. He said that to base a decision on the plans produced was not good.

Commenting on the access and exit from the site, he advised that the Roads Officer should have been here to explain precisely what his technical view was. He stated that the volume of traffic would require additional traffic features with traffic lights a minimum.

He advised that the Community Council still maintained that this development was far too big in its present concept to be approved.

## Objectors

### Christopher Packard

Mr Packard referred to the line to the east of the site. He said that the distance from Mrs Robertson's back door was 18 ft and slightly different to the Applicant's measurement of 10 metres. He advised that if the distance was 10 metres the objection to this proposal would be much less. He referred to the boundary of the site and questioned what would be done with the parking spaces at the bottom of that road.

### Jean Craig

Mrs Craig advised that she had objected about the site several times. She advised that she had also complained about parking on the main road and that there would be an accident there. She said that there was no way carers would not take their cars to see their clients as they had to visit up to 4 times per day. She confirmed that they always had cars and there was no space for them.

### Jackie Baillie MSP

Mrs Baillie said that height was the dominating factor and a significant factor if removed. She advised that all the issues raised were of importance. She referred to the commercial viability of the development and noted that the capacity anticipated in the future was 45 and that the care home allowed for that. In meeting demands in the future there would still be places available if the building was reduced. She commented that other care homes available had less places.

She referred to the letters from HES and advised that she was grateful to be advised that there was two letters from HES – one in May and one in July. She advised it was not appropriate to say that HES had not objected. She commented that they had not submitted an objection because the site was not of national importance and that HES had advised that a lack of objection should not be considered as support from them.

Referring to car parking, she advised that the HSCP have struggled to find staff so staff were coming from Dumbarton and the Vale of Leven. She commented that anyone trying to use public transport would find it challenging. She pointed out that the facility would not be on the main bus route and commented on Scot Rail's ability to run their trains on time. She advised that people would default to bringing their cars and that the issue of parking was a real issue. She referred to conflicts of interest and pointed out that the Council was a member of the HSCP and that Officers and residents were referring to this care home as an actual thing. She said that "done deal" was not a cynical view from members of the public or herself. She said that this was the view of Officers of this Council. She asked the Applicant to look again at reducing the height and to look again at the design and car parking.

### Richard Cullen

Mr Cullen referred to the Applicant's photomontages and pointed out that the trees in the picture were the trees earmarked for felling. He confirmed that he noted that permission for this would have to go through planning. He advised that when you looked at the site map the wall of the building was so close to these trees and said

that you could not build that close to trees as the roots would either impact on the building or the building would impact on the roots and the trees would die. He said that the photomontage should have been photo shopped to show what it would look like without the trees.

He referred to the Applicant's consultant advising that the workers would get public transport and asked if this requirement would be written into their contracts. He commented that everyone knew how easy it was to get in a car especially if on a late shift.

He referred to comments about the Applicant being inundated with calls and advised that they had provided no evidence of this.

He advised that the residents of Prince Albert Terrace and Birch Cottages were not professionals and that this had been a steep learning curve for them. He confirmed that they believed this development would be a blight on their lives and on the Conservation area. He said that they would have been okay with smaller buildings. He said that it may not be ideal but they were realists and would accept smaller buildings.

He advised that the Committee were in a unique position where the decision they made would not just affect the lives of those today but also the lives of those in the future. He advised the Committee that they needed to consider what people would think in 40 years' time when they saw this building that, he said, would stick out like a sore thumb. He asked what people in the future would think if this was allowed. He asked the Committee to respect what was requested and refuse the application.

Everyone present who had spoken confirmed that they had received a fair hearing.

## **DEBATE**

Councillor Moffat advised that it had been an intensive morning and afternoon and that she did not want to even consider conflicts of interest. She pointed out that the Council owned the land and that the sales and marketing of that were separate from Planning. She then referred to the OSPA and said that Hermitage Park has had almost £4m spent on it. She said that it was important to preserve the integrity of an OSPA where possible and pointed out that at another public hearing she had asked about the possibility of putting an OSPA on another area. She referred to the letters received from HES in May and July and being told that they had not submitted a formal objection. She advised that this was the case because they were unable to submit objections unless a site was of national interest. She pointed out that however much Helensburgh was loved, this particular few hectares was not considered of national importance. She advised that HES did not like the proposal and that it was important for the Committee to take cognisance of that. She said that it was disingenuous of the Planners and the Applicants to suggest that if HES were against this proposal they would have attended the hearing today. She then referred to the trees and stated that if these trees went this would have a huge effect on the environment there. She then referred to the design of the building. She indicated that she had lived in Helensburgh at this area for 5 years which, she said, was wonderful. She said that if she still lived there she would not be thrilled by that design and that she considered it inappropriate for the area. She then referred to car parking and pointed out that there would only be one disabled parking space. She said that this would be a home for people where the majority would have a disability

and that they would have elderly relatives coming to visit who, equally, may require disabled parking. She said that if this was residential housing there would be a requirement for far more disabled car parking. She referred to concerns about traffic and said that medical emergencies sometimes happened in the middle of the night. She referred to blue light vehicles responding to these emergencies coming into an area where there were vulnerable people living. She referred to Mr Young's comments about this being a mixed bag of a Conservation area. She said that it was her opinion that this building would not enhance any part of the Conservation area. She referred to construction times and said that it was crucial that these be limited to during the week only and from 8 am to 5 pm. She agreed that a building needed to be economically viable and suggested that it could be economically viable at another size. She referred to comments from the Applicant that the objectors had no concerns about the design of the building and overlooking and noted that they had responded to this in their summing up. She referred to the Applicant's comments that the residential amenity would not be affected and that they had been inundated with calls from people asking for a bed at the care home. She pointed out that 57 objections had been received but there had been no letters of support received. She questioned where all these letters of support were. She advised that on Bute there was only one nursing home, with the majority of the population over 65 years. She referred to people having to travel overseas to visit relatives. She said that she supported having care homes and having more built but not this one as she said, it was the most inappropriate thing.

Councillor Redman said he could not unsee what he had seen this morning at the site visit. He referred to the natural beauty of Helensburgh and the fabulous architecture but advised that the site being discussed today was not one of these buildings. He said that this was a prefabricated building, crumbling to the ground and that he was appalled at its terrible state. He advised that they were always told not to consider economic benefits. He said that he thought job creation was important as well as having a duty of care to the elderly. He said that it was very important to have these types of facility available. He advised that although the site would not look as nice as some of the fabulous architecture in other parts of Helensburgh, he thought that it would be a marked improvement to what was currently there. He confirmed that he would approve the application.

Councillor Currie said that he could not be further removed from the view of Councillor Moffat. He said that he thought this proposed development was acceptable for Helensburgh. He pointed out there had been no objections from statutory consultees regarding access, flooding and biodiversity. He said that we could all try and be professionals but we were not and that the Committee listened to the professionals and they have said no objection. He said that there would be limited views of the care home from the park and the cenotaph and that it would have a limited impact on the park and cenotaph. He said that the care home would enhance the character and appearance of the Conservation area. He advised that the proposal concurred with all the policies in the local development plan, except one and that it could be justified as a minor departure from that policy. He confirmed that he supported the approval of the application. He advised that he was seriously concerned about what Councillor Moffat had said about the construction working hours. He advised that construction workers, like everyone else, had to work for a living, and to suggest that their hours be cut to a bare minimum 5 days per week was concerning. He said that he supported approval of the application.

Councillor Freeman advised that it was his view that the proposed development would have no impact on the A listed war memorial. He said that if it is acceptable to look at the gable end of Prince Albert Terrace, then the development, which he pointed out would be hidden by trees, was certainly acceptable. He said that retention of the trees between the memorial and the development site was important. He referred to concerns about cars, parking and the road and stated that the professional Roads Officer had raised no objections. He said that he knew the area well and that he did not think there would be any concerns about that. He commented on the Community Council's guidance which, he said, they have been working with for 10 years and had been complimented on before. He advised that Planning have never said they have got that wrong. He referred to the Local Development Plan and no one has ever said that was wrong. He said that in respect of the guidance and the LDP, although they were material considerations, they were guidance which could be deviated from. He advised that on the basis of what he had heard today he could see nothing to justify refusal of the application.

Councillor MacMillan advised that he had nothing to add to what had already been said. He confirmed that he would be supporting the application.

Councillor Douglas advised that sitting on this Committee was difficult as there was always a lot of things to balance out. She referred to comment that in 40 years people maybe commenting on what this building looked like but equally they could also be commenting on there being not enough care homes. She referred to the elderly in this community and the community effort put in to regenerating the park and the memorial to make it fit into Conservation area. She said that she felt this building would not fit in to the Conservation area and that the whole space could have something better, something different, and something more sensitive. She said she could not support this proposal.

Councillor Taylor said that the role of the elected member was to consider the planning polices, the advice of Officers and to listen to the community. He advised that this hearing had been particularly valuable as seeing the site and listening to all sides could lead to views changing. He advised that for him it came down to two points. He referred to the constraints of the site and the Applicants' can do approach and the opposing view of the community about what should be there. He questioned how the site could be developed to get the best for the community, recognising the needs and aspirations of the community. He advised that like Councillor Freeman he could not find it in his heart to say that this would impact on the war memorial. However, he advised, that this was a Conservation area that had to be protected and enhanced. He said that he did not think this building would fit comfortably in that area. He said that for him this was not the right building for that site.

Councillor Trail advised that he would be bringing forward an amendment to the Officer's recommendation.

Councillor Kinniburgh said that as usual when it came to this point in the proceedings it was always very difficult to come to a decision. He referred to the site visit in the morning and to all that had been said about the war memorial and the wall. He advised that he could not comprehend what was being said with what he had seen at the site visit. He said that he could not see how the building was going to be visible from these parts of the park. He pointed out that the war memorial could be seen from all over the park but for this particular building, he did not think it would be visible from vast areas of the park. He commented that all the presentations heard

today had been outstanding and that it was very clear to him that the majority of people were in support of a care home on this site. He advised that he fully appreciated the work Helensburgh Community Council did on reaching their conclusions and the presentations they made to the Committee. He acknowledged that sometimes he disagreed with the conclusions they reached. He advised that he did have concerns about the size of the building in a way. He said that on site this was a building taking up a small footprint of the site with the majority of the footprint taken up by parking and amenities around it. He said that 64 bedrooms sounded huge but he did not think the rooms would be that big. He advised that he did not think taking a floor off would make much difference to the building itself. He advised that it was very difficult to imagine what the building would look like. He advised that the point made by Mr Millar regarding the Waitrose building and the Civic Centre was well made. He advised that, having seen the 3D image, he thought the entrance into this building would be seen as you walked along the road. He said he thought it would create a nice visual entrance. He advised that only time would tell if the proposal got through today. He advised that he had weighed up all the facts. He referred to the issue of parking but what came down to was that the proposal fitted with every policy in the LDP bar one and that was to do with the OSPA. He said this did not give him great concern as this part of the OSPA was space that was unusable at the moment. He confirmed that he recognised the concerns from the residents of Birch Cottages and that he understood the concerns regarding noise, access and everything else but, he advised, even if the building was smaller there would still be these issues. He advised that he believed this proposal was the right proposal for this area and said he would like to move the Officer's recommendation including the conditions. He referred to the advantage of the trees screening the development and pointed out that if these conditions were not met then the development would not go ahead.

### **Motion**

To agree to grant planning permission as a minor departure to the Local Development Plan subject to the conditions and reasons detailed in the report of handling.

Moved by Councillor David Kinniburgh, seconded by Councillor George Freeman

### **Amendment**

I move that the application be refused for the following reasons:

1. The proposed development is contrary to LDP 3, SG LDP ENV 16(a) and SG LDP ENV 17. The war memorial together with reflecting pool, is located in a parkland creating a natural tranquil setting for quiet reflection with a backdrop of mature trees. While the proposed development is not in the immediate proximity to the monument, it is close enough to detract from its open parkland setting due to its massing, scale and height.
2. Policy LDP 3 states that a new development will not be supported when it does not conserve, or where possible enhance the established character of the built environment in terms of location, scale, form and design. The massing and scale of the proposed building dominates over the low rise neighbouring Birch Cottages and the close proximity to the boundary with Hermitage Park will make it a dominant feature in that corner of the park, detracting from the visitor experience.

The choice of red brick and white render has no complementary echo in the neighbouring properties, and the utilitarian design strikes a discordant note in the conservation area.

Moved by Councillor Richard Trail, seconded by Councillor Lorna Douglas.

The Motion was carried by 5 votes to 4 and the Committee ruled accordingly.

## **DECISION**

The Committee agreed to grant planning permission as minor departure to the Local Development Plan subject to the following conditions and reasons:

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.*

(Reference: Report by Head of Development and Economic Growth dated 2 August 2019, supplementary report number 1 dated 19 August 2019 and supplementary report number 2 dated 20 August 2019 and supplementary report number 3 dated 15 October 2019, submitted)