

Development Services

Director: George Harper

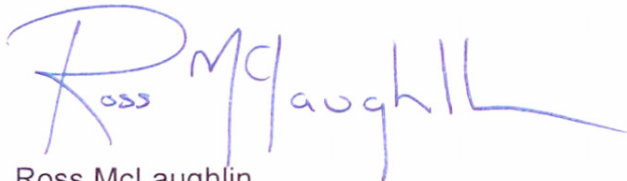
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12 February 2010

Committee Services
Council Headquarters
Kilmory
Lochgilphead
PA31 8RT

LOCAL REVIEW BODY – 09/0002/LRD – HELENSBURGH AMBULANCE STATION

Please find enclosed further information as requested in your letter AB7 received on the 1st February 2010.

A handwritten signature in blue ink that reads 'Ross McLaughlin'.

Ross McLaughlin
Development Manager

CC: Scottish Ambulance Service
Miss Iram Mohammed
Mrs Patricia Stewart
Mr Jonathan Cooper
Councillor George Freeman
Kathleen Siddle
Area Roads and Amenity Services
Mr Michael Thorndyke



LOCAL REVIEW BODY – 09/0002/LRB – HELENSBURGH AMBULANCE STATION

Introduction

This 'Note of Further Information' has been requested by the Local Review Body (LRB) during their deliberations over the above matter on Wed 20th January. This note has been distributed to all parties listed on the Schedule of Interested Parties on form AB5 who now have a period of 14 days from receipt of this communication (but not exceeding the period of 28 days from the date of the original notice) to respond if required. Responses must be sent to:- **Council Committee Services, Kilmory, Lochgilphead, Argyll, PA31 8RT**

I confirm that Argyll and Bute Council Development Management Department wish to appear at the scheduled LRB Hearing on the 11th March at the Victoria Halls, Helensburgh.

The remainder of this note shall address the 4 specific requests for further information.

1 - Clarification of who owns the roads around the application site and whether these could be controlled by the applicants

The Councils Transport and Infrastructure Department has provided a diagram highlighting road ownership / control at **Appendix A**.

The diagram highlights that the Council is responsible for the majority of road and footpath at Mossend Place / East King Street and road at Granville Street. Roads and footpaths around Johnson Court are owned by Housing Association.

2 – How the decision of the Planning Authority that health was a 'minor material consideration' was reached

It has been made clear in both the delegated refusal and LRB Statement that health is a material consideration.

Section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 sets out how Planning Authorities should assess planning applications. Section 25 states that:

"Where, in making any determination under the planning Acts, regard has to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Section 37(2) states that:

“In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

This was the basis for the determination of the application for the new ambulance station.

Scottish Planning Policy (SPP) 1: The Planning System has now been consolidated. However, its advice on material considerations is still relevant.

“There are two main tests in deciding whether a consideration is material and relevant:

- it should serve or be related to the purpose of planning - it should therefore relate to the development and use of land; and
- it should fairly and reasonably relate to the particular application.

It is for the decision-maker, now the LRB in this case, to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the provisions of the development plan. Where development plan policies are not directly relevant to a development proposal or where there is no conflict with declared policy objectives, material considerations will be of particular importance.

The range of considerations which might be considered material in planning terms is, in practice, very wide and falls to be determined in the context of each case. Examples of possible material considerations include:

- Scottish Executive policy, and UK Government policy on reserved matters;
- National Planning Policy Guidelines, Scottish Planning Policies, Planning Advice Notes and Circulars;
- European policy, where relevant;
- a draft structure or local plan;
- a National Park Plan;
- Area Waste Plans;
- Community plans;
- the environmental impact of the proposal;
- the design of the proposed development and its relationship to its surroundings;
- access, provision of infrastructure and planning history of the site;
- views of statutory and other consultees; and
- legitimate public concern or support expressed on relevant planning matters.”

In assessing application 09/00790/PP a range of material considerations were taken into account. This included health, however, it was considered minor for a number of reasons.

Firstly, the proposal was the subject of pre-application discussions. The appellants were advised that the key issue was the impact of the proposal on the setting of the listed building. They were also advised that their preferred location would undermine the setting of the Infirmary building and that, assessed in terms of Section 25 and 37(2) of the Act, it couldn't be supported. At this pre application stage, even with the very clear concerns of the Council being noted, the applicant did not divulge any information on functional / operational alternatives for the site.

Secondly, in assessing the hospital and its grounds it was considered that there were other potential opportunities to locate a new station on an alternative site within the complex without the facility being lost and without undermining the setting of the listed building. Again, the applicant divulged no information on functional / operational alternatives for the site.

A third key consideration was that the protection of the setting of a listed building is specifically enshrined in law. Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 imposes a general duty on local planning authorities and the Scottish Ministers when considering whether to grant planning permission in relation to development which affects any listed building or its setting. The duty is expressed as one to

“have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.”

The Scottish Historic Environment Policy (SHEP) published in October 2008 reiterates this point. It states that the conservation of any part of Scotland’s historic environment should, inter alia, have regard to retaining, or where appropriate enhancing the setting of the site.

Finally, design was also a key issue. The design of the building was purely functional, with little architectural merit and did not take its setting or that of the listed building into consideration. In this regard and combined with its position it would detrimentally undermine the setting of the listed building for the reasons set out in the report of handling.

Application 09/00790/PP was assessed in terms of Sections 25 and 37(2) of the Planning Act. In policy terms there was no support for the proposal which was clearly contrary to policy. The issue therefore was whether the other material considerations outweighed the clear lack of policy support. As indicated above, in the first instance, it is for the planning officer to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the provisions of the development plan.

In this case there were a hierarchy of material considerations of varying degrees of importance and weight. Whilst health was an issue the key factors were as set out above. The setting of the Infirmary, the design of the building and the potential other locations within the complex were considered to have the greatest significance. The applicant did not seek to address any of these issues during the determination of this application. When added to the assessment of the proposal against development plan policy, the proposal could not be supported and the recommendation was to refuse.

3 - Details of Planning Site History

The following table shows a list of all applications for planning permission for Victoria Infirmary since 1997.

Reference Number	Description	Status	Date
97/00192/DET	External alterations to hospital - Victoria Infirmary - changing the sizes and numbers of various windows and doors to facilitate the accommodation of a new 6 bed GP acute ward within the building. All finishes are to match the existing building	Permitted subject to standard reason and condition	26.02.1997
97/00704/LIB	Internal Alterations to hospital i. A number of internal partition walls and doors are proposed to sub - divide rooms in the two ward areas. ii. The sub - division of room G32 in the rear section to form two W.C's iii. The installation of internal partition walls and doors in the ambulance facility rooms. iv. The partition of the duty room from the main corridor and the installation of a door. v. Suspended ceilings installed in the ward areas and corridors.	Permitted subject to the standard condition and reason and to listed building clearance from Historic Scotland.	29.07.1997
97/01076/NMA	Alterations to hospital building - additional external door provided to the mortuary viewing room to the rear of the building	Permitted	21.07.1997
03/02114/LIB	Replacement of aluminium windows - replacement windows within the building which was the former nurses quarters at the Victoria Infirmary	Permitted subject to statutory clearance from Historic Scotland	05.01.2004
03/02125/DET	Replacement of aluminium windows	Permitted subject to standard reason and condition	29.12.2003

	- replacement windows within the building which was the former nurses quarters at the Victoria Infirmary		
08/02067/LIB	Alterations to internal layout	Withdrawn	30.12.2008
08/02173/DET	Extension of 1 Ramp, 1 new concrete ramp and new extension to form two rooms.	Permitted subject to standard reason and condition	03.02.2009
09/00790/DET	Erection of an ambulance station.	Refused	31.08.2009
09/01367/LIB	Refurbishment of ground floor area	Permitted subject to conditions and reasons and to listed building clearance from Historic Scotland.	02.12.2009

4 - Report by Council Conservation Officer

A detailed report was not submitted by the Conservation Officer during determination of the application, however, Reasons for Refusal were provided. An amplified report has been prepared by the Conservation Officer on his submitted Reasons for Refusal as follows:-

Michael Thorndyke, Argyll and Bute Conservation Officer

The appeal site concerns the erection of an ambulance station in the curtilage of an important listed building occupying a prominent location within the main settlement of Helensburgh. Whilst the building itself is not located within one of Helensburgh's two outstanding conservation areas the immediate surrounding area exhibits many of the characteristics that defines Helensburgh, as a garden city, with formal areas of open space adjacent to polite, architecturally significant villas set within generous, well-treed gardens served by generously spaced roads lined by grass verges and planted with specimen trees.

Virtually all the town's component buildings, public and private, are of architectural quality and the architects themselves are often of national repute and are certainly of Scottish significance.

Despite the town's proscribed layout, the overall impression is relaxed and gentle and the spaces between and around buildings take on an particular importance. This is a driving factor in the consideration of this application.

The Infirmary is listed Category "B". It was designed by the architect William Leiper, a very accomplished and highly regarded practitioner who designed many fine buildings in Helensburgh. Built in 1895 and extended four years on, the Infirmary was obviously a building of enormous importance and pride to the town; a building of high status as exemplified by its proud facade and fine detailing and craftsmanship, much of which survives, both internally and externally.

As will be noted from the block plan, this building initially occupied a generous site, in keeping with its use and status, but, over time this has been developed much to its detriment. A saving grace is that some good specimen trees remain, alluding to the hospital's former amenity grounds. Further, the Community Building to the north west is sited well-clear of the listed building and, despite

encroachment to the south east, an appreciation of the listed building's principle facade remains largely unaffected from East King Street.

Buildings of this scale and importance deserve, indeed demand, an appropriate curtilage and the encroachment that has occurred has significantly compromised this. To further "compound the felony" by building directly in front of the infirmary would be an act of desecration and architectural humiliation. In my opinion an alternative, more sensitive site should be found.

In terms of its design, form, scale and materials, the proposed building pays no contextual homage to the principle listed building or to Helensburgh and respects neither. The proposed design appears to be driven solely by function with a blind disregard for respectful siting and aesthetics. It is neither in the spirit of the infirmary, nor is it an imaginative contemporary design.

In considering any application for listed building consent, and also any application for planning permission for development which affects a listed building or its setting, planning authorities are required to have special regard to the desirability of preserving the building or its setting. Likewise, in a designated conservation area, the planning authority must ensure that development proposals preserve or enhance the character and appearance of the area. In my opinion this proposal satisfies neither of these important criteria; I consider that the proposal is fundamentally flawed in terms of design and in principle wrong in terms of its siting.

In conclusion, the current site for this proposal is contrary to both STRAT DC 9 of the Structure Plan and LP ENV 13(a) in terms of its poor quality design and unacceptable adverse impact on the architectural merit of this important listed building, designed by one of Scotland's most eminent architects, and its setting. The proposal also fails to comply with Appendix A of the adopted Local Plan that states that "inappropriate or unsympathetic development does not damage the property (listed building in this case) or its setting" and guidance contained within the Council's adopted design guides concerning matters of heritage. I therefore recommend to the committee that this application be refused for all of the above reasons and that an alternative site be found."

APPENDIX A – ROAD OWNERSHIP



Argyll and Bute Council
Comhairle Earra Ghàidheal agus Bhòid

Operational Services
Director: Andrew R. Law

