

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 11/00784/PP

**Planning Hierarchy:** Local Application

**Applicant:** Mr Duncan Campbell

**Proposal:** Sub-division of garden ground, erection of dwellinghouse and detached garage and formation of new vehicular access.

**Site Address:** 7 Laggary Park, Rhu, Helensburgh

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**SUPPLEMENTARY REPORT NO. 5**

**1. ADDITIONAL INFORMATION**

Members will recall that it was agreed to continue consideration of this application to assess what pre-application advice had been given to the applicant.

In 2004, the following advice was given by this Department to the current applicant in a letter dated 5 August 2004 in response to an informal enquiry for the erection of a dwellinghouse at 7 Laggary Park, Rhu:

*"I would advise that I have some concerns about sub-dividing your garden to make a new plot having regard to the area's characteristics and the terms of the above-mentioned policies. Although the proposed plot would have a frontage onto an adopted road and is fairly regular in shape, it would also create a two-tier form of development that I consider could be detrimental to the character and appearance of the Conservation Area. The built form on this side of Pier Road is characterised by large houses set in large, often wooded gardens with only the traditional lodge houses breaking this pattern. Development of this site would, in my opinion not be in keeping with this character and might set an undesirable precedent in other parts of the Conservation Area. Development of this site would be likely to also have an adverse impact upon the existing tree cover and again this is contrary to adopted policy. I must therefore advise at this time that I would be inclined to be unable to support such an application if it was submitted."*

The applicant was also advised in 2008, in response to a verbal enquiry, that a dwellinghouse would not be acceptable on this plot.

In 2010, again in response to an informal enquiry, the Department made the following response in a letter dated 13 December 2010:

*..."a dwelling on this plot may be acceptable. However, it would be up to you to prove that a dwellinghouse on this site would not adversely affect the character and appearance of the Conservation Area and would not have an adverse impact on trees. This would mean that as well as providing full details of the proposed dwellinghouse, we would also require a Design Statement. A full Tree Survey would also be required showing details of the existing trees, including their*

*condition, any that are to be removed and any proposed planting. Full details of the access would also need to be shown, including the proposed sightlines and elevations of the wall showing details of any required works.*

*Please note that this is my informal opinion and that a final decision on this proposal can only be made through the processing of a planning application. This preliminary assessment is based on current information. In the event of a formal application being submitted, the Council must take into account views of consultees and representations as appropriate. My report must reflect this and may therefore differ from my initial assessment."*

The position was therefore made clear to the prospective applicant throughout the pre-application stage, that the effect of development upon protected trees and the character of the conservation area would be the principal matters which would be likely to determine the outcome of any planning application, and that remains the case with the determination of the application at hand.

## **2. RECOMMENDATION**

It is recommended that Members note the terms of this report and refuse the application for the reasons set out in the original report.

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**Angus J Gilmour**  
**Head of Planning & Regulatory Services**

05 January 2012