

**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. 6**

**1.0 ADDITIONAL INFORMATION**

A further submission has been received from the applicant, having been circulated direct to Members. The key points and comments thereon are summarised below:

We believe this application has been handled badly resulting in a protracted process. We feel the planners adopted an entrenched view, which became adversarial from about September 2011.

*Comment: Supplementary Report No. 5 sets out the pre-application advice which highlighted the difficulties envisaged in seeking to develop this site. The advice was clear and consistent. There has never been an entrenched view or an adversarial approach on the part of officers. The application has been assessed on the basis of Section 25 of the Planning Act on development plan policy and other material considerations.*

Informally, verbally, by Stephanie Glen, we were told that she felt the application was likely to be approved.

*Comment: The case officer has no recollection that this advice was ever given. In any case, planning decisions are either signed off by senior officers acting under the approved delegation scheme, or by Members in the event that a Committee decision is required. With that in mind, case officers always qualify personal opinions which are given on the likely acceptability of developments. Based on previous pre-application advice and assessed against development plan policy and other material considerations, all officers involved in this case have been of the view that the application does not satisfy policy considerations and ought to be refused.*

Unexpectedly, whilst at home I received a call from Howard Young saying he would make a decision over the weekend. He asked for nothing, gave no promises or encouragement.

*Comment: As Mr Young had not been able to make contact with the applicant on the Friday in office hours, he chose to phone him at the weekend. This was done as a matter of courtesy, to be helpful and to let the applicant know how the application was progressing. The draft report was taken home and worked on over the weekend. As no final decision had been made at the time of the call, he could not commit beyond the point that a decision would be made once he had completed his assessment and senior officers had been given the opportunity to endorse the recommendation.*

The following Monday he did not call or e-mail as promised. I waited a week and phoned him around 3pm. He seemed surprised by my call. I had the impression he was not at work, reception was clear on my side yet he seemed to me inclined to lose signal after I asked a question, the call was lost on his side 3 times. I called back twice after which I abandoned what I perceived to be evasion.

*Comment: The applicant phoned Mr Young's private mobile in the office at Blairvadach. At the rear of the building reception is poor and as the signal was breaking into fragments Mr Campbell was advised to phone Mr Young's land line. However, this was not done. Mr Young does not accept the contention that he somehow deliberately lost the signal or was evasive.*

It seemed to us that there were arguments for and against the development but that information was hence forth presented by the planners with the desire to achieve refusal rather than to present a balanced set of facts to the PPS&L Committee with recommendations.

*Comment: This is the sixth supplementary report on this application, three of which have presented further information and support by and on behalf of the applicant. The application has been continued for further discussion and for a site visit. The application has been properly assessed in terms of Section 25 of the Act against development plan policy and other material considerations. Consequently, it is considered that the application has been dealt with correctly and fairly.*

We are particularly frustrated that the planners have persistently upgraded the relevant trees to support grounds for refusal, using emotive terms such as "spectacular specimens" for large common trees of moderate quality. We agree that trees are beautiful but think it would be better if they were less tall common species, and that planting was with concern for drop line in accordance with BS5837:2005 and our planning application reflects this.

*Comment: As the applicant's own supporting information indicates, trees will be removed for the purpose of accommodating the proposed development. The term "spectacular specimens" has not been used in any of the reports on this application. The site is within an area covered by a Tree Preservation Order (TPO) which is a material consideration. If there is a problem in terms of safety then there is opportunity for trees to be removed under the TPO legislation without the council's approval, subject to replanting required by the Act. A planning application for a dwellinghouse is not the only means of seeking to deal with such issues.*

Station Road is mixed housing, primarily leads on to a farm track and access to housing of similar or lesser aesthetic value to that which we propose. It is not a tourist route but could be improved for the benefit of residents and perhaps walkers by removing/replacing trees and restoring a fallen wall to a height consistent with the majority of old walls in the conservation area.

*Comment: As previously indicated in the original report the loss of the trees and shrubs and their replacement with a dwellinghouse, hard standing and other associated suburban development would be visually intrusive, visually discordant and would not maintain or enhance the character of the area. In addition, the existing character of Laggary Park is of large dwellings set within large garden areas around Laggary House, a Category B Listed Building. Along this area of Station Road, the only other existing houses are long established, are associated with Laggery House and run parallel with the adjoining road. Sub-dividing the plot and siting a new house, however well designed, set back at an angle from the adjoining road and outwith the building line of the long established properties to the north, would undermine the established character and settlement pattern of this area and would not safeguard the character of the conservation area.*

We feel that the weekend/evening call from the ATL was atypical of the level of communication to us from the planners that he should be advised not to call personally in the evening at weekends since financial issues dependent on planning are in the balance.

*Comment: The purpose of an out of hours call was as a matter of courtesy given that contact had not been made in office hours. To that extent, there was nothing improper about it. Any future phone calls or contact will be made in office hours.*

## **2.0 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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**16 January 2012**