

**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:** 12/00191/PP

**Planning Hierarchy:** Local Application

**Applicant:** W D Codona

**Proposal:** Change of use of Car Park (no specified Use Class) to Amusement Park (Class 11, assembly and leisure) (renewal of planning permission 08/02219/COU)

**Site Address:** Helensburgh Pier, West Clyde Street, Helensburgh

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## **DECISION ROUTE**

### **Local Government Scotland Act 1973**

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#### **(A) THE APPLICATION**

##### **(i) Development Requiring Express Planning Permission**

Change of Use of Land from public car park (no specified use class) to site for amusement fair (Class 11, assembly and leisure)

##### **(ii) Other specified operations**

None

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#### **(B) RECOMMENDATION:**

It is recommended that planning permission be approved subject to the attached conditions and reasons.

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#### **(C) HISTORY:**

97/00153/COU – Change of use of land to site amusement fair – Granted 15/04/1997  
98/00139/COU – Change of use: Car park to amusement park (Renewal) – Granted 14/04/1998  
99/00085/COU – Siting of amusement fair – Granted 15/04/1999  
00/00074/COU – Change of use of land to site amusement park – Granted 08/03/2000  
01/00121/COU – Change of use of land to site amusement park – Granted 10/04/2001  
02/02023/COU - Change of use of land to site amusement park - Granted 6/2/2002.  
00/00209/DET – Erection of supermarket and associated car parking and landscaping works – Permission refused

03/02344/COU – Change of use of land to site amusement park – Granted 03/02/04  
04/02521/COU – Change of use of land to site amusement park – Granted 02/02/05  
05/02460/COU – Change of use of land to site amusement park – Granted 09/02/06  
06/02556/COU – Change of use of land to site amusement park – Granted 16/01/2007  
08/02219/COU – Change of use of Car Park to Amusement Park (Renewal of Consent)  
– Granted 04.02.2009.

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**(D) CONSULTATIONS:**

Area Roads Manager – 17.02.2012 – No objections

Area Environmental Health Officer – No objections subject to conditions

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**(E) PUBLICITY:** Regulation 20 Advert Local Application (expiry 24.02.2012)

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**(F) RERESENTATIONS:** None

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**(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Statement:** No
  - (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
  - (iii) **A design or design/access statement:** No
  - (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No
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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** No
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**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

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

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

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP BAD 1 – Bad Neighbour Development

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

n/a

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

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

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

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

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**(O) Requirement for a hearing (PAN41 or other): No**

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

Planning permission is sought for the siting of an amusement park on Helensburgh Pier, which is owned by the Council. A series of planning permissions have been granted on a temporary basis for the siting of the fair in its present location since 1976.

The site is located to the western corner of Helensburgh Pier Car Park, adjacent to the swimming pool. The area involved is approximately 1800 sq. meters and is within the Town Centre as defined by the adopted Local Plan. It is considered that this type of development is preferred within a town centre location. Because of the nature of the application, it is considered a 'bad neighbour' development and should be assessed as such. Policy LP BAD 1 states that 'bad neighbour' developments will only be permitted where there are no unacceptable adverse effects on the amenity of neighbouring residents. The proposal includes appropriate measures to reduce the impact on amenity by way of noise, light and smells; there are no transport, amenity or public service provision objections; technical standards for traffic and pedestrian access are met; and the proposal does not conflict with any other Structure Plan or Local Plan Policy. The Area Environmental Health Officer has been consulted on the application and has no objection subject to the previous noise control requirements being re-imposed and met. The Area Roads Manager has also been consulted and has no objections to the proposal.

As stated previously, the amusement park has been sited on the Pier on an intermittent basis since 1976, with no identified adverse impact on the amenity of the surrounding area or residents. It is therefore considered that the proposal is acceptable and accords with this policy.

In approving previous applications, the permission has been time limited to a year, apart from the last consent which was granted temporary consent for three years. A period of three years was granted on the basis that a longer permission may prejudice the future redevelopment of the pier head area which is seen as a key component in the regeneration of the waterfront. A master plan for the pier head area is on-going and commitments have been made in the capital programme for a new swimming pool and

flood defences. Given these issues, it is considered that a temporary permission of three years could impact on these proposals. As such, in recommending approval, it is considered that a temporary permission of one year would be acceptable and would not prejudice any long term redevelopment plans.

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**(Q) Is the proposal consistent with the Development Plan:** Yes

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

It is considered that the proposal is acceptable and accords with Local Plan policies. The amusements have been running on this site since 1976 without adverse impact on the surrounding area or residential properties. It is therefore considered that the proposal accords with Policies LP ENV 1 and LP BAD 1 of the Argyll and Bute Local Plan, subject to the imposition of operating conditions. A temporary consent is appropriate to safeguard opportunity for the future redevelopment of the land proposed to be occupied by the amusement park.

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

N/A

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

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**Author of Report:** Stephanie Glen

**Reviewing Officer:** Howard Young

**Date:** 01 March 2012

**Date:** 01 March 2012

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/00769/PP

1. Permission shall enure for a period of 1 year from the date of this consent.

*Reason: Imposed in order not to prejudice the provisions of appropriate future levels of parking provision for Helensburgh in the longer term and not to prejudice the provisions of the current development plan for the area.*

2. The development shall be implemented in accordance with the details specified on the application form dated 23/01/2012 and the approved drawing reference number 1/1 unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

3. At the end of the period of permission the use authorised by the permission shall be discontinued unless an application for an extension of the period is approved by the Council.

*Reason: Imposed in order not to prejudice the provisions of appropriate future levels of parking provision for Helensburgh in the longer term and not to prejudice the provisions of the current development plan for the area.*

4. No engine, generator, public address system or music amplification system shall be used after 11.00pm on any evening.

*Reason: Imposed in order to provide control over the timing and volume of noise from the fair in the interests of maintaining appropriate levels of residential and public amenity.*

5. The noise level attributable to the amusement fair measured within a dwelling, hospital or school shall not exceed 50 dB(A) for more than 10% of the time, as measured over any 15 minute period.

*Reason: Imposed in order to provide control over the timing and volume of noise from the fair in the interests of maintaining appropriate levels of residential and public amenity.*

6. Any fencing to be erected towards the northern edge of the application site (to the rear of the swimming pool and play areas) shall be positioned so as to allow a 2m gap to be maintained as a pedestrian / disabled access route to connect with the ramp to the pier.

*Reason: In order that uninhibited pedestrian and disabled access may be maintained to the pier ramps.*