

MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE
held in the VICTORIA HALLS, HELENSBURGH
on TUESDAY, 21 FEBRUARY 2012

Present:

Councillor Daniel Kelly (Chair)

Councillor Gordon Chalmers	Councillor Alister MacAlister
Councillor Robin Currie	Councillor Neil Mackay
Councillor Mary-Jean Devon	Councillor Donald MacMillan
Councillor David Kinniburgh	Councillor Roderick McCuish
Councillor Bruce Marshall	Councillor Alex McNaughton
Councillor Al Reay	Councillor James McQueen

Attending:

Charles Reppke, Head of Governance and Law
Richard Kerr, Principal Planning Officer
Mark Lodge, Senior Forward Planning Officer
Campbell Divertie, Technical Officer
Nigel Miller, Helensburgh Community Council
Martin Gorman, Applicant's Agent
Simon Walsh Cooper Cromar, Architects
Chris Mitchell, Keppie, Planning
Giselle Dye, Pagoda PR
Councillor Vivien Dance, Supporter
Mr Steuart-Corrie, Supporter
Ms Fish, Supporter
Ms MacGillivray, Supporter
Mr Hargan, Supporter
Ms Freer, Supporter
Mr Cawley, Supporter
Ms Millar, Supporter
Ms Maddick, Supporter
Mr Maddick, Supporter
Mr Penniston-Flemming, Supporter
Ms Brown, Supporter
Mr Leila, Supporter
Ms Robertson, Supporter
Mrs Sandeman, Supporter
Mr Slade, Supporter
Dr Foy, Supporter
Mr Young, Supporter
Mrs Wright, Supporter
Mr Brown, Supporter
Mr Gilmour, Supporter
Mr Allan, Supporter
Mr Baker, Supporter
Miss Baker, Supporter
Mr Crawford, Supporter
Mr Bott, Supporter
Mrs Bott, Supporter
Mr McMillan, Supporter
Mr MacLeod, Supporter

Councillor Garry Mulvaney, Supporter
Councillor Ellen Morton, Supporter
Mr Lane, Co-op, Objector
Mr Hyde, Helensburgh Retail Alliance, Objector
Mr Jeff Wilson, Sainsbury's, Objector
Mr MacBeth, Objector
Mr Johnston, Chief Executive of Loch Lomond Shores, Objector
Mr Roberts, Objector
Mr Yendal, Objector
Mr Urie, Head Teacher, Helensburgh Academy, Objector
Councillor Andrew Nisbet, Objector

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated on behalf of Councillor Rory Colville.

2. DECLARATIONS OF INTEREST (IF ANY)

Councillor Vivien Dance declared a non financial interest as she had chosen to encourage support for the application. Councillor Dance also advised that she did not attend the site visit. Councillor Dance participated in the hearing but left the room and took no part in the decision of this item.

3. WAITROSE LTD AND WANDERING WILD LTD: ERECTION OF CLASS 1 FOODSTORE, PETROL FILLING STATION, ASSOCIATED ACCESS, PARKING LANDSCAPING AND ALL ASSOCIATED ANCILLARY DEVELOPMENT: LAND SOUTH OF HERMITAGE ACADEMY, CARDROSS ROAD, HELENSBURGH (REF: 11/01422/PP)

The Chair welcomed everyone to the meeting and introductions were made. The Chair also said that he would with the Committee's agreement extend the period for presentations to an hour for each segment and that he was keen to ensure all parties were heard.

Mr Charles Reppke, Head of Governance and Law outlined the hearing procedure and invited anyone who wished to speak at the meeting to identify themselves.

PLANNING AUTHORITY

Mr Kerr spoke to the terms of his four planning reports. Mr Kerr advised supplementary report 3 dealt with last minute matters regarding the mitigation. The application was continued in December due to the large number of objections and supporters and was further delayed until the Masterplan was completed due to the scale of the development and the potential for the sequential test. The Council has decided not to release the Pier head so the sequential test has been satisfied as per supplementary report 2.

Mr Kerr advised the application was still for refusal due to the adverse impact on the town centre as per the appendix to supplementary report 2. The location of

the site is allocated in the adopted Local Plan as Industrial and Business and therefore conflicts with the adopted Local Plan as the development is retail class 1. The proposed petrol filling station is takes up approximately 35% of the Open Space Protection Area and is contrary to Policy LP REC 2 .

Mr Kerr spoke on the retail impact of the proposal on Helensburgh Town Centre and the difference in view between the applicants and Council officer so the Council commissioned a review of available information by Colliers International. The conclusion of the impact assessment was of such a scale upon convenience retailing in Helensburgh Town Centre that it would be wholly unacceptable and would undermine the vitality and viability of the centre as a whole. Mr Kerr asked Members to refuse the application as per appendix A of supplementary report 2.

APPLICANT

Mr Gorman said this application was the first Waitrose outside the central belt in Scotland. He said the store would provide more choice for the local people and the opportunity of a second petrol filling station. Mr Gorman said the Waitrose was owned by partners rather than stakeholders. He said they had considered a range of other sites but couldn't find one for the size of store and filling station. He said construction could start immediately and will be offering 180 jobs. Waitrose gives the opportunity to local producers to supply the store with 9 new suppliers in Newton Mearns, they also support the Grocery Code Adjudicator. This will be the only Waitrose in Argyll & Bute and is large enough to claw back retail spend leaking to Dumbarton and beyond. The retail impact will be an additional £4m spend in the town centre. He spoke on delivering value and quality. He further spoke on the commitment to the community giving £12,000 every year to local charities and good causes. Waitrose are also a member of the Scottish Business in the Community.

Mr Walsh spoke on the development proposals advising that each store was unique. He spoke on the traffic movements saying they were willing to liaise with Argyll & Bute Council to satisfy pupil's safety. He spoke on the cycle path and the landscape architecture saying a lot of the trees within the TPO were dead or dying and showed computer generated photos.

Mr Mitchell said it was an excellent site at the edge of town ideally located to get the leakage to Dumbarton. The site is accessible by all modes of transport. Mr Mitchell spoke on the key planning issues saying the sequential test has been satisfied the claw back of leakage to Dumbarton and beyond is 62% and a 30% trade draw with spin-off expenditure to the town centre. Mr Mitchell advised that 2.6ha of Business and Industry Land will remain and the loss of the 1.6 ha in the development is offset by the creation of 180 jobs. There will be significant additional planting and recreational value to maintain the buffer to residential areas.

Ms Dye spoke on the community engagement with 1243 responses being received and analysed, 90% of which were very positive for a new Waitrose, 90% great need for local jobs, 93% positive about the design and 93% thought the Council should change the designation of the site.

Mr Martin summed up by saying Waitrose wants to invest in Helensburgh with the creation of 180 jobs. The application is up for refusal on 3 grounds 2 of which can be dealt with in the mitigation and he believed it could be a win win situation.

STATUTORY CONSULTEES

Mr Divertie from the Roads Department said he had experience of GMP and is satisfied the roundabout will be able to accommodate the traffic. He said he has some road safety issues with the school but these can be dealt with by conditions. He is happy with the site subject to conditions.

Mr Miller said he was speaking on behalf of Helensburgh Community Council. He said the Community Council have taken an active interest in this application to ascertain the view of the community. He said that this has been the biggest consultation exercise to date and said that the exercise showed that people did not want a supermarket on the pier sites. Mr Miller spoke on the Hexagon exercise that had been carried out and the survey the Community Council carried out the results of which was 97% said yes to a new supermarket in Helensburgh. Mr Miller spoke on the design of the building and felt that it should be of a higher quality. He asked Members to support the proposals but to seek a better design for the building.

SUPPORTERS

Councillor Dance said she is a local Councillor and business owner in Helensburgh and like many in the town have supported this application with the statement "Bring it On". She submitted her letter of support in September last year, outlining the reasons why, in her opinion, consent should be granted.

Last Thursday in his budget speech the leader of Argyll and Bute Council began by saying, "Today represents another important milestone for our communities". This is a milestone day for the community of Helensburgh and Lomond, a day when we move into an exciting future or remain firmly entrenched in the past. Many hundreds of supporters want this application to be granted today so that we can move forward and I know that Argyll and Bute Council supports their desire because last Thursday the evidence spoke for itself. Every single member of the Planning Committee who was present on budget day endorsed the council's Corporate Plan and many of the objectives stated so clearly in it apply to this application today. Firstly, "We will work together to improve the potential of our people" by aiming to achieve more new businesses in the area, creating more jobs. Secondly, "Working together to improve the potential of our area" by aiming to achieve that we have contributed to an environment where existing and new businesses can succeed and the places where we live, work and visit are well planned and successful meeting the needs of our community.

In her opinion Waitrose are offering to help Argyll and Bute Council deliver those corporate objectives and all the supporters are willing everyone to work in partnership to walk the talk.

Last Thursday Argyll and Bute Council also determined to give an additional 12.4 million pounds to Helensburgh and Lomond to allow change to be delivered,

making a total of 19 million pounds for this area to be spent in the next three years and in the words of the leader, “to assist with the long term prosperity of Argyll and Bute and to deliver the clear message that this council delivers on what it says it will do on behalf of the people of Argyll and Bute by putting significant additional capital into the area to create jobs and improve the infrastructure”.

As representatives of the whole of Argyll and Bute Council, it would be in order for any planning committee Councillor who is here today to vote for established council policy and grant consent for Waitrose, because this company is here to do just what the council wants, create jobs, improve infrastructure and assist with the long term prosperity of Argyll and Bute.

In addition to meeting the current ethos of Argyll and Bute Council, this application is in line with current planning policy, and asked the expertise on the committee to come forward with the essential competent motion to enable grant of consent. As the decision-makers, the committee knows that one of the planning “bibles” is SPP1 which serves to remind us why we are here today. It states that the purpose of the planning system is to guide the future development and use of land in cities, towns and rural areas in the long-term public interest to secure and promote sustainable economic development.

So in simple terms for all the members of the public present today who support this application and have never attended a Discretionary Hearing, the committee has to consider what if anything is wrong with using the land opposite the new school for a new Waitrose food store and petrol station. It all comes down to LAND USE. All the committee members know that if they want to grant consent, then because planning policies are by their nature open to interpretation, they can use the Local Development Plan to grant consent as now that the site passes the Sequential Test, the rest of the issues to be addressed only present minor departures from policy. At the beginning of this hearing we heard from the professionals, all stating their case and begging to differ on the facts as they see them. The supporters of this application believe what the team from Waitrose is saying and endorse their statements wholeheartedly. An overwhelming number of people want this food store and petrol station as the Community Council has recently verified.

She asked Members to keep thinking about the piece of derelict, unused land they visited and think what is wrong with allowing the proposed Waitrose development on that site.

Mr Steuart-Corrie said Helensburgh Residents Supporters Team has a mandate to represent the views of 308 supporters. They have analysed the 654 letters of support and in their presentation they cover the points made in support of this application with each speaker covering a different point. Mr Steuart-Corrie said Helensburgh turned down a Dobbies World and now people travel to shop in Stirling where it was built he asked that his is not repeated and allow Helensburgh to reject Waitrose. He said Helensburgh has been waiting too long for a large quality food store, Waitrose will prove to be an invaluable asset in the community bringing the food and fuel needs of the residents of the Helensburgh and Lomond area.

Ms Fish said Helensburgh’s retail leakage is estimated annually at £22.4M. This figure makes no calculation of the cost of car journeys, shopping hours and CO2

emissions used to drive to Dumbarton or further. Unlike Oban with its 4 supermarkets to choose from, Helensburgh has only 2; and unlike Oban with 8 petrol stations locally, Helensburgh has only 1. She advised most people she knows, travel for the bulk of their food shop to Asda, Morrisons, Aldi or further afield; or use 3 non local online supermarkets for doorstep delivery. None drive elsewhere in Argyll and Bute to shop. All leave the area, wasting economic and local leisure time, petrol cost and benefiting West Dunbartonshire's or Glasgow's economy not Argyll and Bute's. A round trip for food shopping takes 40-60 minutes driving time, costs upwards of £4 in fuel so locals make best use of time while out of town by buying all goods needed, home and hardware, gifts and petrol, many more of which would be bought locally if we had a better food store and petrol station here, as described by the Colliers Report. The leader of West Dunbartonshire Council is on record objecting to Waitrose's plans. With an estimated 20% of Waitrose's turnover coming from Dumbarton and Balloch. A small cartel of Retailers will propose their grim "What If" scenarios. Their protectionism and vested interests in keeping our retail choices restricted benefits their profits so of course they will not all see the plus side. This site has Class 4 business consent, so whether or not development should be allowed is not in question and this is a minor deviation from it's present zoned use. She said there have been an overwhelming and numerous support of this store, at this location, and clearly against a supermarket on the pier. She asked Members to listen to these voices for the long-term prosperity and future success of Helensburgh and Argyll and Bute, and grant permission to this proposal.

Ms MacGillivray said she wants to shop locally, like many working parents, she is at the mercy of either Tesco or Co-op as the local independent food retailers do not open late enough to allow her to use them. She advised that she is a keen cook but cannot buy what she wants in Helensburgh. If she looks at a new recipe from a magazine etc she ends up discarding it because she cant get the ingredients, the only way to what she wants is to shop out of Helensburgh. Allowing this edge of town food store and petrol station will open the choice available to Argyll and Bute residents and encourage the current retailers to buck up their ideas. Competition is a great thing and can only benefit the town. She urged Members to grab this chance with open hands.

Mr Hargan said he and his brother were retailers in Helensburgh for 48 years. The number of Retail Outlets is exactly the same at 243 despite the 50% increase in population. As an experienced retailer in this town he believed that if a new Waitrose were to open it would bring potential customers from an extensive area because it is a very high quality food store offering a range of products not offered in a normal large food store. He considers that many of them would continue into the town to view the rest of Helensburgh retail offerings. In doing so they would spend money in those shops. He spoke on the Colliers report and the demand for a food based store believing the opportunity exists to improve Helensburgh's retention rate. A new food store will extend customer choice and lead to a reduction in long distance trips. He advised that Farmfoods have recently submitted an application to build a new store in Helensburgh and they are aware of the Waitrose proposal. He said Waitrose is the solution and to give them a hearty welcome.

Ms Freer said she wholeheartedly supported the proposals, she spoke on shopping on a budget and her experiences with a Waitrose. She advised that her friends stop off in Dumbarton for supplies before coming to visit. She said

people would spend more in the high street shops if there was an edge of town Waitrose because at the moment they but everything they need for a combination of shops in Dumbarton.

Mr Cawley said that he and his wife used to regularly shop in Sinclair Street, when they moved to Cardross they now shop in Dumbarton because of the choice. He spoke on the amount of people from Cardross who support the application and on the quality of Waitrose and the John Lewis Partnership.

Ms Millar said she has lived in Helensburgh for 30 years and feels as if it has lost a lot of its spark with a feeling of decline. She said Waitrose as a leader on quality would bring confidence in the town and its future. She spoke on Waitrose Community Matters scheme which gives to local charities. She felt Waitrose would benefit the economy and hoped retailers would see Waitrose as complementary to what they provide.

Ms Maddick strongly supports the application because she would like more choice for food shopping. She was recently made redundant and appreciates the opportunity to have one of the 180 jobs. She spoke on the John Lewis Partnership being outstanding employers with all employees being partners in the business. She spoke on the unemployment figures in Scotland and this being an opportunity for 180 people to get jobs.

Mr Maddick advised he was studying in Hermitage Academy and would like another job to save for university. There is nothing locally without experience except volunteer work.

Mr Penniston-Flemming runs a local business which he started two year ago. He sees a golden opportunity not only for consumers but his business and similar ones with the Waitrose small producer's charter which set out their commitment to using local suppliers and Scottish Waitrose now offer more than 400 Scottish lines. This is an opportunity to allow his business to expand and therefore take on more staff and he will be signing up for their "Meet the Buyer" event.

Ms Brown said according to a recent Which survey, Waitrose is the most highly customer-rated food chain in the UK. She spoke on rejection of the idea of a supermarket on the pier because it would do nothing to improve the current situation, she said nobody in favour of the Waitrose application wasn't to see the town centre suffer, Waitrose would not want to be association with a town in decline. Waitrose is recognised for its ability to add value to a town in terms of attractiveness. An overwhelming majority of residents have supported this application. She urges Members to listen to what their constituents are saying.

Mr Leila said that the Waitrose impact on local business and retailers will be positive. He has lived throughout the UK and his perception that local shops thrive when Waitrose arrive in out of town developments. He spoke on the Riben report where Professor Neil Wringley concludes into the impact of food stores on Market Towns and District Centres is not as contrary and popular opinion or perception is believed, but in fact that local traders recognise that little evidence exists to support commonly held views linking edge of town food store development to decimation of existing centres and their retail diversity. He asked that Members go with the voice of the People of Helesnburgh and

Lomond and vote yes to Waitrose.

Ms Robertson advised she owns the Riverside Deli in Helensburgh and she is delighted a Waitrose retailer is in town. She is thinking of the bigger picture saying visitors will come from a wide range of area to Helensburgh if retailers are selling the right product at the right price Waitrose will not jeopardise it.

Mrs Sandeman spoke on the difficulties she has shopping as a full time wheelchair user saying the shops themselves have given little thought to disabled people. The advent of a modern ultra store in Helensburgh would not stop her from shopping locally but would make it some of her shopping experience nicer.

Mr Slade spoke on the consternation of a NAAFI opening a food store on the edge of town saying it would destroy trade it has now gone. He spoke on the decline in fuel stations, the population and the capability of supporting large food stores. He also spoke on special dietary requirements and the choice of gluten free products saying Waitrose has 18 double column pages of own brand gluten free products. He said Helensburgh needs Waitrose.

Dr Foy said Helensburgh, has a unique location at the gateway to Argyll & Bute from the central belt of Scotland, and next door to the world renowned Loch Lomond and the Trossachs National Park, has great potential to be improved as a location for both residents and visitors. She welcomes the recent announcement that new tourist signs are to be put up at the Arden roundabout, and while better signage and new investment in the town is an important step, there is now an opportunity to make a highly attractive addition to the area with the proposal from Waitrose to open a food store and petrol station. She said she is one of the retail leakage from Helensburgh due to the lack of choice saying Waitrose will not only help keep people in Helensburgh to do their shopping but will entice visitors to Helensburgh. An argument raised against this proposal is the potentially negative impact on Helensburgh town centre. But, any new local retail development, even if it was on the pier, would still provide increased competition to existing retailers. The number of local retailers who would be in direct competition with a new food store is limited, and it has been estimated by the planners that 86% of any trade diverted from the town centre would be from Tesco and the Co-op. The "Comparison Impact" on Helensburgh town centre of this proposal is considered "negligible" by the Council planners. Saying 'yes' to the Waitrose proposal is not the start of some slippery-slope to a big out of town retail development, it is saying 'yes' to this specific planning application for a food store and petrol station which are desperately needed.

Mr Young is the Chairman of Strathclyde Court Owners Association, he carried out a survey of 50 residents and they have signed up for him to speak in favour of the Waitrose development. He takes weekly shopping trips to West Dunbartonshire which will become problematic as he gets older. If the application is granted he will be able to get to the store by public transport and then take a taxi home with his shopping.

Mrs Wright advised her family has lived at Cove on the Rosneath Peninsular since 1976, and tries to do her last minute shopping at Cove but for big shops they shop at Dumbarton where they have a choice of fresh vegetables you can't get in Helensburgh. She said that when they go to Dumbarton they bypass

Helensburgh altogether and if the application was agreed they would visit Helensburgh for all their shopping. She spoke on the closing of the fuel pumps and the benefit of have shopping related fuel vouchers from Waitrose. Mrs Wright spoke on the Asda van that delivers daily advising that the staff are employed from Clydebank which doesn't benefit any locals. She said Waitrose have pledged that the home delivery service will be sourced and serviced from the shop in Helensburgh creating local jobs. She said there are a number of Charity shops in Helensburgh and she would love to see Helensburgh re-emerging as a vibrant town to visit and she considers Waitrose is great news for the town.

Mr Brown said the overall impression of Helensburgh is a town in slow decline, he said the site is the only realistically suitable site in the town for a food store and adjoining petrol station. The townspeople of Helensburgh are warned that the town centre will suffer the fate of Dumbarton High Street. However, they are not comparing like with like. The proposed Waitrose store is in no way comparable to the St James Centre, which is an example of bad planning not forward thinking planning which this application represents. He said local competition is good for everybody it raises standards, keeps prices at a reasonable level and most importantly gives shoppers freedom of choice. Mr Brown said he was sure the Waitrose application will succeed today for the lasting benefit of the town and much wider area.

Mr Gilmour said he was representing 23 people, 22 of them live out of town. He said the out of towners are very significant to because they will visit Helensburgh town centre either before or after their visit to Waitrose. Mr Gilmour spoke on people bypass Helensburgh to shop at Asda and he thinks all these people will come to Waitrose. He said there are only 2 Waitrose in Scotland both in the city he thinks people would prefer to visit the Helensburgh one. Mr Gilmour said the Chamber of Commerce asked all members if they wanted Waitrose and two thirds said they would approve the application. Mr Gilmour asked Members to grant the application.

Mr Allan said he grew up in Helensburgh and for the past 20/30 years the town has been shutting down. He spoke on Waitrose bringing 180 jobs and a new petrol station, at the moment everybody stops in Dumbarton. He said the proposed site is an old railway and a coup it's hardly a site of beauty. He urged Members to approve the application.

Mr Baker said there was social and economic benefits and Members should support the supporters.

Miss Baker said she supported the proposal and urged Members to agree the proposals.

Mr Crawford said he had been aware of the application site since 1994 when he presented the Community Council's case to the Scottish Reporters Inquiry. The land had been classed as waste for years and about 18 years ago was greenbelt and also out with the urban settlement of Helensburgh. The Council re-designated the land on both sides of the road for development particularly to enable the construction of the school and this has extended the urban boundary. This is the first serious proposal for this site. He spoke on why he was in favour of a Waitrose and the wide catchment appeal of the company. He said

Helensburgh is in desperate need of another petrol station because the one which is there at the moment is an inadequate supply. Most of the TPO was cleared some time about and the OSPA is not accessible to the public, the application will prove a decent screen to Marmion Avenue. Mr Crawford spoke on the challenge facing high streets and shopkeepers is improving the service they provide to counter the advance of on-line shopping. The arrival of Waitrose a matter of considerable prestige and an opportunity not to be rejected.

Mr Brott spoke on the size of the building advising there was nowhere big enough in the town centre to incorporate a store that big, he said this was the last chance if they did not agree this one there will not be another chance.

Mrs Bott said rules are there to be broken, it is up to the Council to apply the rules rigidly but they can not adhere to them all. Waitrose would enhance the area saying there are a lot of people who live in the area of the proposal.

Mr McMillan said when he moved to Helensburgh there was a wide selection of goods and quality but now the supermarkets are poor and 4th rate. He said there was a need for fresh blood and a high quality. He was concerned that the mitigation might scare Waitrose away and this was a very big decision for the town and it was up to the owners of the shops to attract people to their shop.

Mr MacLeod, said the reason for the refusal of the Waitrose was the impact on Helensburgh town centre and he felt that more people would come to shop in Waitrose that go to Dumbarton and the 2nd is planning speak.

Councillor Mulvaney said that the Planning Officers have to adhere to the legislation but Members can disagree with them. He said he was in support of the application and it was in the best interest of the town. He was concerned that the mitigation was insufficient he would like to see additional planning gain. He said there would need to be sufficient signage to maximise the flow from Waitrose to the town. Councillor Mulvaney said a new supermarket and petrol station was needed to attract people back from Dumbarton. Councillor Mulvaney spoke on the sequential test and said the site was adequate he said Helensburgh cant risk ending up with nothing.

Councillor Morton advised she is a Councillor for Helensburgh & Lomond South which includes the site for the proposed area. She said she felt she had to speak because of the amount of people who have contacted her who want this store. She said Waitrose is an attractive shop that will stop people from driving away, she asked for increased mitigation to help the town centre, if the Council and Waitrose work together it would be a win win situation for a vibrant town centre.

OBJECTORS

Mr Lane said he was speaking on behalf of the Co-op Supermarket. He said the Co-op has significant amount of retail in Helensburgh including a supermarket and undertakers and they have an increased concern about Helensburgh Town Centre and he supports the officers recommendation to refuse the application. He said the proposals are contrary to the Local Plan and to determine the application in accordance with the Local Plan unless material amendment and this would be a significant departure. Mr Lane said the Co-op objected because

of their concern on the impact on the town centre. He said the scale of the development could harm Helensburgh closing shops and cause decay. He said the mitigation contributions would not reverse the impact on the town centre. Mr Lane spoke on the pierhead site saying the final scenario is still to be seen, with retail being part of the development, this would put that under threat. Mr Lane said his client was not against competition but had genuine concern for the town centre, he felt that this application was contrary to the Local Plan and asked Members to refuse it.

Mr Hyde said he was speaking on behalf of the Helensburgh Retail Alliance. He said $\frac{3}{4}$ of Helensburgh retailers welcome a Waitrose planning application but not a large out of town development. Mr Hyde spoke on the sequential test and other areas being discarded or unavailable, he said that from his experience an out of town development would have a negative impact on the town centre and that people should not discount the pierhead. Mr Hyde said the Retail Alliance have a petition with over 1000 names in support of a retailer on the pierhead. He said that the applicant has not shown the development would have a significant adverse impact saying the information is fundamentally flawed with 30% sales from out with the area. He asked that the committee do not risk the adverse impact on Helensburgh and therefore they should refuse the application.

Mr Jeff Wilson spoke on behalf of Sainsbury's saying they would like to come to Helensburgh, he did not disagree with the assertion that there is an opportunity for claw back and the jobs would be welcome. He then spoke on the pierhead site saying the Town Centre Masterplan had not yet been resolved and Sainsbury's have not given up on the pierhead site. He asked that the application be refused or deferred until the outcome of the pierhead site process was fully resolved.

Mr MacBeth said he was representing the Greenbelt Group and Marmion Avenue. He said he agreed with a lot of the statements about the quality of Waitrose but none are relevant planning matters. He said that any supermarket would have an impact on the town centre. He said the site in question is not for retail purposes and if the application is approved it would bring the Local Plan into disrepute. He said the Greenbelt Group are concerned about the greenbelt around Helensburgh and they have worked hard to establish the open spaces to act as a buffer to Marmion Avenue. He asked that the car parking is put either below or above the store to free up land for more protection. He said everybody is in agreement that the town centre retailers must come first and this and the internet and impacting on them. He asked Members to reject the proposals.

Mr Johnston, former Chief Executive of Loch Lomond Shores spoke on the issues around out of town development and the possible negative impact on the town centre and asked Members to reject the application and focus on the pierhead.

Mr Roberts said a development at the end of town would bypass the town centre, he asked how many people that shop in Dumbartons retail outlets shop in that town centre. He said that if planning permission was granted a precedent would be set. He spoke on the Gareth Hoskins report of the pierhead saying it would increase footfall to the town centre and asked that the application be refused.

Mr Yendal said he has travelled extensively particularly in America. He said he has been in town centres where you can't buy food etc because of the large stores at the edge of town. He spoke on the Gareth Hosking report for the pierhead site and asked Members to refuse the application.

Mr Urie advised he was concerned about children's safety with the increased traffic at the school. He said that the area already gets congested at school times and this will make the situation worse. Mr Urie was also concerned there would be an increase in litter. He spoke on the healthy eating policy in the school and the children would just walk across the road for food.

Councillor Nisbet spoke on the sequential test following the decision of the Executive committee on 2nd February 2012 saying the sequential test has been satisfied, he advised that the area in the new masterplan shown a class 1 foodstore could be accommodated on this site. Councillor Nisbet spoke on the public views and the surveys that have been carried out advising that the views are split between the generations. Councillor Nisbet said the edge of town centre would be less accessible for people who don't have a car, people coming from the Northeast would have to change buses. Councillor Nisbet concluded by saying the public opinion is split and the sequential test has not been met.

MEMBERS' QUESTIONS

Councillor Mackay asked the Planning Officer to confirm that the application has passed the sequential test. Mr Kerr advised that Scottish Government state where proposals are not within the town centre, it is for the applicants to demonstrate that more central options have been thoroughly assessed or unavailable and in this case the Pier Head is unavailable.

Councillor Mackay asked for clarification on other policies including LP REC2 which safeguards recreational land and asked about its value i.e. open space or playing fields. Mr Kerr advised that REC 2 is used for open space as well as an area of amenity.

Councillor Mackay asked if the creation of 180 jobs was a material consideration and Mr Kerr advised that it was a material consideration and it would depend on the weight Members wished to give it when it conflicts with the allocation of land.

Councillor Mackay asked about planning gain LPP1 and the balance of planning gain and the need to look at the mitigation. Mr Kerr advised that any instances propitiating to the development could be a reason for departure for Development Plan.

Councillor Marshall asked if the site in question was to be re-designated and was advised that there was not proposal for it to change. The MIR consultation has not zoned it for retail use and it will not be allocated for retail to protect the Town Centre.

Councillor Kinniburgh asked about the designation of the site and if it was changed and was advised that he would have to wait on the MIR published at the end of the summer.

Councillor Kinniburgh asked Richard Kerr how much of the cycleway would be

provided as part of the Waitrose application and was advised that the application would provide the cycleway from the Red Burn to Marmion Avenue, he further asked for clarity at point six of the mitigation proposals as nothing had been put forward by the applicant in relation to pedestrian/cycle links and was advised by the Planning Department that the mitigation proposal was to provide pedestrian/cycle link improvements out-with the application site and was unrelated to the cycleway being created along the front of the application site.

Councillor Kinniburgh asked if the petrol station would sell sweets and snacks and was advised that it would. Councillor Kinniburgh proceeded to ask about children crossing the road to the petrol station instead. Mr Divertie advised this was the concern of the Head Teacher and advised that he wanted to put a crossing in at the East of the school which children could use and this would give them access to the store instead of the petrol station. Mr Divertie explained why he did not want to move the crossing at the West of the school closer to the roundabout.

Councillor McCuish asked if the application was approved today would it cause difficulties in refusing further applications for retail at this location and Mr Kerr advised that there shouldn't be a concern over precedent because all planning applications are decided on their own merit. He also stated that planning history is a material consideration.

Councillor McCuish asked about the loss of the OSPA and the potential of having an OSPA in a different area and Mr Kerr advised that the compromised space would depend on the area, the felling of trees could be sacrificed if there were some put in place through the mitigation.

Councillor McCuish asked if Sainsbury's would go to this site and was advised that they did not look at it.

Councillor Reay asked if Waitrose had any stores across from a school and was advised that they weren't aware of any.

Councillor Reay asked Mr Gorman if he had spoken to the school and he advised that the transport planning team had met with the Head Teacher and the Roads Department to discuss concerns.

Councillor Reay asked Mr Urie about his concerns and Mr Urie advised that children tend to take the shortest route to their destination regardless of safety and asked that the crossing at the West of the school be brought closer to the roundabout because the one the children use at the moment is used to access the railway. Mr Divertie said if you brought the crossing closer to the roundabout it would reduce the stacking area.

Councillor Reay asked about the Hexagon Survey methods and received advice from Councillor Nisbet on the process.

Councillor Devon asked for assurance that Waitrose firmly believed that they would be able to clawback business into the town. Mr Gorman advised that in his experience customers come from beyond 20 miles away to shop at a Waitrose bringing 30% more trade.

Councillor Devon said she had heard a lot of people saying that Helensburgh was in decline it was a ghost town with lots of charity shops and asked what the developers thought. Mr Mitchell advised that they would not be planning to build a Waitrose if they thought that and spoke on the differences between Helensburgh and Dumbarton.

Councillor Kinniburgh asked if the application was approved would Waitrose help deal with the litter in the area and Mr Gorman advised that they would work with the school.

Councillor Chalmers asked about the 10% comparison sales and if the store would become a one stop shop in the future. Mr Gorman advised that he did not know what the policy was for the future and Mr Mitchell said that they would be happy to make it a planning condition so that if it was to change in the future they would have to make another application.

SUMMING UP

Planning Authority

Mr Kerr advised that the application was a departure to the Development Plan. The sequential test has been satisfied but the sale and location of the development would have a detrimental impact on the town centre and the mitigation on offer is not enough to counteract the impact. The application does not comply with policy and asked that the application be refused in line with the reasons in supplementary report 2.

Applicant

Mr Gorman advised that Waitrose thinks Helensburgh is a healthy town centre and not in decline, the sequential test has been satisfied the OSPA and TPO can be dealt with, the reference to loss of land allocation for development can be off set by the provision of 180 jobs.

Mr Mitchell advised the development would be a positive impact on the town making it a retail destination. He advised they were happy with a condition on the 90/10% split and also happy to work with the school over the road safety issue. Mr Mitchell said the development was a positive impact with robust planning gain and asked the committee to agree the proposals.

Statutory Consultees

Mr Divertie of the Roads Department said he had no concerns on the road network, his main concern was the school children and providing a new pedestrian access to the school, this could be dealt with by conditions.

Mr Hendrie, Helensburgh Community Council said that it was a very important day, the Community Council had carried out surveys on the street/media etc with massive support from the public. It's the public that who do the shopping and it's the public who want it. There is already out of town shopping in Dumbarton/Braehead and the people of Helensburgh want a supermarket here.

Supporters

Mr Kennie said that it was incorrect to predict any decline in trade for local food and non-food retailers with the arrival of a Waitrose food store and petrol station. The facts from other Waitrose stores and towns show the complete opposite is true for both local food and non-food retailers. Waitrose will actually bring new shoppers to the area and both food and non-food retailers will benefit. It is new demand that creates economic growth and jobs in Argyll & Bute, Waitrose will bring new demand for all of our local food and non food retailers. He spoke on the facts around the Issues and the opportunities. Mr Kennie said there was no downside risk to accepting and yet there is huge economic risk to the Argyll and Bute area by rejecting this. As last weeks PWC retail report stated "with unemployment on an upward trend, credit conditions tightening and real incomes still being squeezed, the underlying conditions for consumers are still tough." Let's bring new demand to Argyll & Bute by giving our consumers a new choice.

Councillor Dance spoke on the amount of supporters who came along to give their views, the land is derelict and has been for years, she asked Members to look at the social and economic needs of the community asking them to make this town a Waitrose town.

Mr Gilmour had nothing further to add.

Mr Cox had nothing further to add.

Mr Allan said that it would be replacing a coup into a usable piece of ground, it was an excellent opportunity to create 180 jobs.

Mr Baker supported Councillor Dance.

Miss Baker supported Councillor Dance.

Mr Crawford said the planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interest, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners of occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development as stated in the Planners report.

Mr & Mrs Bott asked Members to accept the planning application, a supermarket is too big for the town centre. He said the planning application says the site is designated for offices/hotels said the if you stayed in a hotel on that site you would have a view of the trains but if they put a hotel on the Pierhead site it would have the best view in Helensburgh.

Mr McMillan said that the Planning Department's problems were not a barrier to condemn the town to further decline, if this application is refused the town would pay the price he said the development would promote the town and asked that it be agreed.

Mr MacLeod had nothing further to add.

Councillor Mulvaney had nothing further to add.

Councillor Morton said it was an opportunity for a win win situation with a vibrant store and what the community wants for the Town Centre will create a good situation for Helensburgh.

Objectors

Mr Laing asked that the Members endorse the recommendations from the Officers and refuse the application.

Mr Hynde reinstated that the proposal was out of town and a conflict with the Local Plan, he said how much mitigation would have to be paid to get the planning permission, and he supported the Officer recommendation and asked for it to be refused.

Mr Wilson said the pierhead site doesn't seem to clear the sequential test if one of the Members on the committee was unclear about the area and this would need clarified.

Mr MacBeth had nothing further to add.

Mr Johnstone had nothing further to add.

Mr Roberts said that the Councils retail analysis is 28% reduction and it this is the case how many shops will be lost, he said in his opinion the Pierhead would support the Waitrose.

Councillor Nisbet spoke on the surveys saying if you tool a poll in the hall today there would be no question about the answer but was this representation of Helensburgh.

The Chair asked all parties to confirm if they had received a fair hearing and they all replied that they had.

Councillor V Dance having declared an interest left the meeting at this point and took no part in the decision.

DEBATE

Councillor Kelly said he has heard what is needed for Helensburgh & Lomond and realises what people are saying. He heard a lot of people in favour of it and he has never received so many letters. He said the creation of 180 jobs was very important as well as a new filling station which Helensburgh has needed for a very long time. He said that the residents from Kilcreggan and the Rosneath Peninsula go out of the area to do their shopping in Dumbarton and further a field.

Councillor Marshall said he had no doubt and was minded to support an amendment to the proposal, he supported the people of Helensburgh. He said Argyll & Bute Council has given Helensburgh an enormous boost in the budget and Waitrose would create another boost. He said as Spokesperson for the

Environment the Council's corporate objective is to save on carbon over the next 14 years and the creation of this supermarket would create a carbon loss with people not travelling to Dumbarton to do their shopping.

Councillor Kinniburgh said that this was very difficult, there is no doubt that Helensburgh needs a foodstore and a filling station and he was likeminded that the sequential test had been satisfied but there were other reasons for refusal that could be dealt with by a suitable amendment and said he supported it.

Councillor Currie said that what we want is not always what we get, the Council has to look at the reasons for refusal and contradict them, he said that the mitigation amount would need to be looked at, he advised that a small development in Colonsay had the same amount of mitigation as this proposal, he asked that the gaps in this mitigation are filled.

Councillor Mackay thanked everybody for their presentations. He said that he felt the sequential test has been satisfied but that policies shouldn't be ignored there are policies regarding the departure from the Local Plan and planning gain, he said there was a potential for adverse impact and there needed to be a better mitigation package.

Councillor McNaughton advised that he had been down to see the site and he could see no reason why it shouldn't be approved. He said there wasn't anything in Helensburgh to attract people from the A82 from going to Dumbarton and felt that this would attract people into Helensburgh.

Councillor Chalmers said that the Planning Department have to work within the legislation and framework and have done a professionally good job. He said that there were still two grey spots, with the sequential test being satisfied. He said that he had to look at the serious financial problem the Country was in at the moment adding the Council are only a quarter way through the 10 year plan. He said the other issues in the planning application are up to what weight the Members put to them. He said he would support a departure on a suitable amendment.

Councillor Devon said she wished to thank the representatives and she would take this on board.

Councillor MacAlister said he was happy to support.

Councillor McMillan said he was happy to support.

Councillor McQueen said he was happy to support.

Councillor McCuish said that he understood the problems but anything on that site was better than what is there at the moment.

Councillor Reay wished to congratulate the planners who have to use the legislation for all applications and they have a very difficult decision to make. He said that he has seen the gradual decline of the town centre area in the past 11/12 years and since then the area has had lots of consultations. He said the pier site is highly valued for something more desirable to the Town. Councillor Reay spoke on the importance of CHORD to the town and the £9.5m capital to

phase 1 of the regeneration and flood defences. He said it was madness that Helensburgh only have one petrol station and wished to put forward his motion and hoped it addressed all aspects of Policy and the Law.

Motion

This application is for the construction of a class 1 food store of approximately 24,000 sq ft comprising 90% convenience and 10% comparison goods plus a petrol station on the periphery of the town. As such, the application is contrary to Scottish Planning Policy, PROP SET 2 of the Argyll & Bute Structure Plan and Policy LP RET 1 of the Argyll & Bute Local Plan adopted August 2009. These policies presume against edge and out of town development unless it can be shown by application of the sequential test that there is no other available site in the town centre capable of accommodating a food store development of this size and, that a Retail Impact Assessment into the potential impact on the town centre is assessed to be marginal.

The only alternative site in the town centre capable of accommodating a food store of this size is the Pier Site. Development proposals of this site, which incidentally has only recently come into the Council's ownership after a protracted dispute with Luss Estates for more than 8 years, have attracted fierce and organised campaigns against the construction of supermarkets, both of which were rejected, and a recent pre application proposal by Sainsbury to erect a supermarket in excess of 30,000 sq ft. The recent Master Plan produced by the Council which featured a medium sized supermarket was the subject of an intensive public consultation exercise, the resultant of which was a clear rejection by the community for a food store of this size. The Council is now preparing a modified Master Plan for public consultation. This plan will reflect the community's priority for a leisure centre on this site plus sufficient space for the development of smaller mixed retail outlets. The consequence of this is that the applicant is now able to satisfy the sequential test element of Scottish Planning Policy, Structure Plan Policy PROP SET 2 and Local Plan Policy LP RET 1.

A Retail Impact Assessment (RIA) of the applicant's proposal on Helensburgh Town Centre is required and has been conducted by both the applicant and reviewed by the Council. An RIA exercise is complicated and subjective and must address a range of factors pertinent to the location of the application and must attempt to predict the changes in shopping habits of the community should such a facility be constructed. At present, significant numbers represent approximately 30% of the community from Helensburgh, the Roseneath Peninsula, Garelochhead and Arrochar travel to Dumbarton to shop and some as far as Braehead. I am of the opinion that the availability of a food store of the quality of a Waitrose would significantly reduce the leakage to Dumbarton and beyond. I would further contend that the impending construction of the CHORD Improvements to the Helensburgh town centre and western esplanade coupled with the recently announced Council investment of £9.5 million pounds for the construction of a leisure centre and associated flood prevention measures on the Pier Site will significantly enhance the shopping experience in and around the town centre. I am therefore of the opinion that these improvements to the town centre and river frontage will greatly reduce the potential retail impact on the town centre of a Waitrose food store of 90% convenience and 10% comparison at this locus. I am therefore more convinced by the assertions and findings of

the applicants RIA insofar as the % impact being in the region of 14% in contrast to the Council's 24% prediction and deem these to be within reasonable parameters if suitable mitigation is afforded. As such, it would be a justified departure to policy PROP SET 2 of the Structure Plan and policy RET1, ENV 1 of the Argyll and Bute Local Plan.

The application site lies within a larger site allocated for Business and Industrial Uses under reference B1/AL3/1 within appendix E of the adopted Local Plan. There has been no business interest in this site since its designation in August 2009. A similar designation sized site on the northern edge of Helensburgh lay empty for 20+ years before being purchased by the Council for its lorry depot. There appears little change under the prevailing economic climate of any possibility of this site being taken up for business purposes. Nevertheless, the loss of around a quarter of Helensburgh & Lomond's business land is considered to be contrary to LP Policy LP BUS 3 and concerns me greatly. To this extent, meaningful mitigation should be provided to make the remaining land as attractive as possible for businesses keen to relocate or expand into Helensburgh. If mitigation is sufficient a justifiable departure from the policy would be warranted. In respect of the Open Space Protection Area whilst the policy presumption is against development the overall mitigation proposed would adequately mitigate the development of this site. Policy LP REC 2 states there should be no loss of amenity and alternative provision of equally community benefit and accessibility would be made available. The trees to be removed are no significant specimen value and offer only limited value as a landscape buffer in current state. Notwithstanding this, they to represent a gateway to the town and I acknowledge the reporter from the local plan inquiry's comments that "boundary treatment coming into Helensburgh should surpass best practice" and I would also seek a contribution for a gateway project to ensure this is delivered.

Mitigation for the loss of business and industry land, potential impact on the town centre and loss of significant part of the OSPA should be generous and meaningful to offset the genuine impacts on the Town. The following list of planning agreement mitigation, if agreed, would in my view demonstrate the applicants recognition of the value and importance to the community they represent.

Investment into Business and Industry fund to value of £150k
Improvements to town centre parking to value of £250k
Improvements to public realm/public space to value of £220k
Shop frontage enhancement scheme to value of £140k
Improvements to pedestrian/cycle links to and from development site and town centre to value of £50k
Electrical switchgear for Christmas lighting on Colquhoun Square to value of £20k
Increased tree planting in Helensburgh and effective screen between OSPA site and fuel outlet to value of £10k
Funding of Helensburgh gateway – public realm art work and suitable quality signage adjacent to development site to value of £20k.

I move that the application be approved as a justified departure for the reasons stated in the motion and that conclusion of an appropriate legal agreement for the proposed mitigation and conditions to be attached to the consent be delegated to the Head of Planning and Regulatory Services in consultation with

the Chair and Vice Chair of the PPSL Committee and local Ward Councillors on the committee.

Proposed: Councillor A Reay

Seconded: Councillor D Kelly

Decision

It was unanimously agreed the application be approved as a justified departure for the reasons stated in the motion and that conclusion of an appropriate legal agreement for the proposed mitigation and conditions to be attached to the consent be delegated to the Head of Planning and Regulatory Services in consultation with the Chair and Vice Chair of the PPSL Committee and local Ward Councillors on the committee.