

**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:** 12/00094/PP

**Planning Hierarchy:** Local Application

**Applicant:** Osborne Interiors

**Proposal:** Refurbishment of existing bandstand

**Site Address:** Kidston Park, Rhu Road Lower, 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**

Refurbishment of existing bandstand

**(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:**

- 00/01083/COU- Change of use of land for siting of snack bar (withdrawn)
- 05/01696/NID- Demolition of existing public toilets and erection of replacement public toilets and cafe facility (withdrawn)
- 07/1376/COU - Part Change of Use of car park to site mobile snack caravan from 0700 to 2000 (withdrawn)
- 11/02227/PP - Change of use from public toilet to cafe with associated terrace/play area (approved 18/01/2012)

**(D) CONSULTATIONS:**

Helensburgh Community Council – letter dated 30/01/2012

The Helensburgh Community Council (HCC) warmly welcomes the application for a bandstand to be built in the town in a traditional Victorian style.

However we are very keen that it should be sited where it will be most used by residents and visitors. There are two alternative sites much nearer the centre of Helensburgh than Kidston Park, where a new bandstand would be a real focal point, fit in beautifully with proposed plans for the development of the town and where it would receive a very great deal of appropriate use.

The first of these is in Colquhoun Square, in the heart of Helensburgh. Sited here, it would take a prominent part in the CHORD Project plans to use the Square as a meeting place for townspeople and visitors and a destination for music, theatre and other entertainment events. It would also be a hugely successful addition to the proposed Outdoor Museum in the Square.

The second suggestion is that it be sited on the pierhead as part of the extensive development plans for the site. Again, it would be a focal point near the centre of town for planned events for both residents and visitors. I enclose a photocopy of a photograph which shows the Waverley arriving at Helensburgh Pier pre – 1914, and at the lower left hand corner, part of the Victorian Bandstand sited there.

HCC wishes to emphasise that we welcome the idea of the bandstand, but pleads that it be sited where it will be of more use to the community as a whole.

*Comment: The points made by the Community Council are noted. However, the proposal is for the refurbishment of the bandstand at Kidston Park. It was proposed as part of the mitigation for the loss of open space on land at 19 to 37 Cumberland Avenue, Helensburgh under application 11/00887/PP, for the erection of 3 dwellinghouses. As such, the application is judged on its merits as submitted and the issue of alternative locations is not a major material planning consideration.*

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**(E) PUBLICITY:**

LREG20 - Regulation 20 Advert Local Application (expiry date 17/02/12)

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**(F) REPRESENTATIONS:**

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:** Yes
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

**Summary of main issues raised by each assessment/report**

Kidston Park was opened in 1877 and it is likely that the bandstand was also erected during this year. It is the intention to erect a new bandstand on the existing stone base to replicate the original in as much detail as possible. The bandstand cupola will sit on 8 decorative circular iron columns and have a zinc finish.

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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 ENV 19 – Development Setting, Layout and Design  
LP REC 2- Safeguarding of Recreational Land and important Open Spaces

Appendix A – Sustainable Siting and Design Principles

- (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.**

Argyll & Bute Sustainable Design Guidance (2006)

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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, as landowner.

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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 refurbishment of the bandstand within Kidston Park, Helensburgh. It is within the settlement boundary and is designated in the Local Plan as an Open Space Protection Area (OSPA).

The remaining bandstand comprises a stone plinth. The proposal is to reconstruct the bandstand to a similar design to the original structure. The remaining original ironwork will be removed and the proposed cupola will sit on 8 decorative circular iron columns inserted into existing slots. The refurbished bandstand was proposed as part of the mitigation for the loss of open space at Cumberland Avenue under application 11/00887/PP, for the erection of 3 dwellinghouses on land at 19 to 37 Cumberland Avenue, Helensburgh. That application was approved on 15 December 2011.

The refurbished bandstand will be on the site of the original one, the base of which still exists, and is of acceptable design and finish. It is considered that it would be a positive addition to the facilities at Kidston Park and could contribute to the overall attraction of the park and encourage more tourist activity. In relation to the above therefore it is considered that the proposal is an acceptable use within Kidston Park and would comply with the overall provisions of Policies LP ENV 1, LP ENV 19, LP REC 2 and Appendix A of the Argyll and Bute Local Plan.

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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 refurbished bandstand in this location would be a positive addition to the facilities at Kidston Park and could contribute to the overall attraction of the park and encourage more tourist activity. In relation to the above therefore it is considered that the proposal is an acceptable use within Kidston Park and would comply with the overall provisions of Policies LP ENV 1, LP ENV 19, LP REC 2, and Appendix A of the Argyll and Bute Local Plan.

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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: No**

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**Author of Report:** Howard Young

Date: 08/06/2012

**Reviewing Officer:** Ross McLaughlin

Date: 12/06/2012

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

## CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 12/00094/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 10/01/12 and the approved drawing reference 2139..104, 2139..101, 2139..102 and 2139..103 unless the prior written approval of the planning authority is obtained for other materials/finishes/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.*

2. Details of the type and colour of the proposed materials to be used on the development hereby granted consent shall be submitted to and approved in writing by the Planning Authority prior to any work starting on site.

*Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

3. Notwithstanding the details on the docketed plans and Condition 2 above, the cupola of the refurbished bandstand hereby approved will be finished in zinc.

*Reason: In the interests of visual amenity and in order to integrate the proposal with its surroundings.*

4. Details of how the bandstand hereby approved shall be maintained shall be submitted to and approved in writing by the Council prior to works commencing on site.

*Reason: In order to ensure on-going maintenance of the bandstand in the interests of visual amenity.*

## INFORMATIVES

1. **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
3. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/00094/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The application site is within the settlement boundary as defined by the Argyll and Bute Local Plan. Within such areas there is a presumption in favour of development subject to all development plan policies being complied with. It is also designated as an Open Space Protection Area (OSPA) and Policy LP REC 2 is applicable. This policy, *inter alia*, presumes against the development or redevelopment of OSPAs. It will only be allowed where redevelopment helps retain or enhance facilities, there would be no loss of amenity and alternative provision is made available.

#### B. Location, Nature and Design of Proposed Development

Planning permission is sought for the refurbishment of the bandstand within Kidston Park, Helensburgh. It is within the settlement boundary and is designated in the Local Plan as an Open Space Protection Area (OSPA).

Policy LP REC 2 presumes against the development or redevelopment of OSPAs. It will only be allowed where:

- (i) The retention or enhancement of the facilities can best be achieved by the redevelopment of part of the site which will not compromise its amenity value;
- (ii) There would be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available.

In this case the remaining bandstand comprises a stone plinth. The proposal is to reconstruct it to a similar design to the original. The remaining original ironwork will be removed and the proposed cupola (dome/roof) will sit on 8 decorative circular iron columns inserted into existing slots. The cupola will be of zinc construction. The refurbished bandstand was proposed as part of the mitigation for the loss of open space on land at 19 to 37 Cumberland Avenue, Helensburgh under application 11/00887/PP, for the erection of 3 dwellinghouses. The application was approved on 15 December 2011.

The applicants have not indicated how the refurbished bandstand will be maintained and by whom. They have suggested either the Council or a specially set up group/organisation similar to Friends of Victoria Hall could carry out on-going maintenance. However, under application 11/00887/PP referred to above, when the concept of a refurbished bandstand was first mooted, the Project Manager, Roads and Amenity Services indicated they would not want to take responsibility for this. As such a condition has been added requiring details of a maintenance regime to be submitted and agreed prior to works commencing on site.

It is considered that it would be a positive addition to the facilities at Kidston Park and could contribute to the overall attraction of the park and encourage more tourist activity. In relation to the above therefore it is considered that the proposal is an acceptable use within Kidston Park and would comply with the overall provisions of Policies LP ENV 1, LP ENV 19, LP REC 2 and Appendix A of the Argyll and Bute Local Plan.