

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

*Customer Services*  
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11 January 2012

## **NOTICE OF MEETING**

A meeting of the **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 18 JANUARY 2012** at **11:00 AM**, or at the conclusion of the PPSL Committee at 10.15 am, whichever is the later, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## **BUSINESS**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MINUTES**  
Planning, Protective Services and Licensing Committee 21 December 2011 (Pages 1 - 14)
- 4. CIVIC GOVERNMENT (SCOTLAND) ACT 1982: TAXI FARE SCALE REVIEW**  
Report by Head of Governance and Law (Pages 15 - 34)
- 5. MR DUNCAN CAMPBELL: SUB-DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PARK, HELENSBURGH (REF: 11/00784/PP)**  
Report by Head of Planning and Regulatory Services (Pages 35 - 56)
- 6. ARGYLL AND BUTE COUNCIL: RESURFACING OF EXISTING FOOTPATH, INSTALLATION OF CULVERT AND FORMATION OF FURTHER FOOTPATH LINK: ROUTE LINKING CUMBERLAND ROAD AND AROS ROAD/SMUGGLERS WAY, RHU (REF: 11/02051/PP)**  
Report by Head of Planning and Regulatory Services (Pages 57 - 64)

7. **GARLOCH VIEW LTD: CHANGE OF USE OF PUBLIC TOILETS TO CAFE WITH ASSOCIATED TERRACE/PLAY AREA: KIDSTON PARK PUBLIC CONVENIENCE, RHU ROAD, LOWER HELENSBURGH (REF: 11/02227/PP)**  
Report by Head of Planning and Regulatory Services (Pages 65 - 78)
  
8. **ARGYLL AND BUTE COUNCIL: ERECTION OF EXTENSION: HERMITAGE PRIMARY, EAST ARGYLE STREET, HELENSBURGH (REF: 11/02357/PP)**  
Report by Head of Planning and Regulatory Services (Pages 79 - 86)

## **PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE**

Councillor Gordon Chalmers  
Councillor Robin Currie  
Councillor Mary-Jean Devon  
Councillor David Kinniburgh  
Councillor Donald MacMillan  
Councillor Alister McAlister  
Councillor Alex McNaughton  
Councillor Al Reay

Councillor Rory Colville  
Councillor Vivien Dance  
Councillor Daniel Kelly  
Councillor Neil Mackay  
Councillor Bruce Marshall  
Councillor Roderick McCuish  
Councillor James McQueen

Contact: Fiona McCallum

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**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 21 DECEMBER 2011**

**Present:** Councillor Daniel Kelly (Chair)

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

**Attending:** Charles Reppke, Head of Governance and Law  
Angus Gilmour, Head of Planning and Regulatory Services  
Ross McLaughlin, Development Manager  
Sandra Davies, Planning Officer  
Grant Whyte, Technical Officer (Flooding Alleviation)

**1. APOLOGIES FOR ABSENCE**

An apology for absence was intimated from Councillor Alister MacAlister.

**2. DECLARATIONS OF INTEREST**

Councillor Vivien Dance declared a non financial interest in the planning application dealt with at item 9 of this Minute as she had been contacted by the Applicant to encourage support for the application. Councillor Dance left the room and took no part in the discussion of this item.

Councillor James McQueen declared a financial interest in the planning application dealt with at item 5 of this Minute as he is a shareholder and retired employee of Scottish Gas. Councillor McQueen left the room and took no part in the discussion of this item.

Councillor Bruce Marshall declared a non financial interest in the planning application dealt with at item 5 of this Minute as he has previously made his feelings known on a related planning application. Councillor Marshall remained in the room but took no part in the discussion of this item.

Councillor Bruce Marshall declared a non financial interest in the planning application dealt with at item 6 of this Minute as he has made representations on this application. Councillor Marshall left the room and took no part in the discussion of this item.

**3. MINUTES**

(a) The Minutes of the Planning, Protective Services and Licensing Committee of 23 November 2011 (10.00 am) were approved as a correct record.

- (b) The Minutes of the Planning, Protective Services and Licensing Committee of 23 November 2011 (10.30 am) were approved as a correct record subject to the following change:-

With reference to the planning application dealt with at item 5 of this Minute the wording "supplementary planning report number 2" should read "supplementary planning report number 3".

In view of the number of late reports and letters tabled at the meeting the Chair ruled, and the Committee agreed, to adjourn the meeting for 15 minutes to allow Members the opportunity of reading through this paperwork.

The Committee reconvened at 10.50 am.

Councillor Vivien Dance declared a non financial interest in the planning application dealt with at item 8 of this Minute as she has made representations on this application. Councillor Dance left the room and took no part in the discussion of this item.

Councillors Gordon Chalmers and Mary-Jean Devon joined the meeting.

**4. ARDKINGLAS ESTATE: ERECTION OF MIXED DEVELOPMENT COMPRISING 16 DWELLING HOUSES, 7 COMMERCIAL UNITS, CHILDCARE CENTRE AND INSTALLATION OF SEWAGE SYSTEMS AND ACCESS IMPROVEMENTS: LAND ADJACENT TO ARDKINGLAS SAWMILL, CLACHAN, CAIRNDOW (REF: 09/00385/OUT)**

The Development Manager spoke to the terms of supplementary report number 6 which was tabled at the meeting and advised on the advertisement of the Masterplan document submitted by the Applicant, further supporting information from the Applicant, further consultee responses and further representations including a petition of support with 155 names. Notwithstanding the level of support for the proposal, or general acceptance of the Masterplan by Members at previous meetings, the Development Manager advised that the Masterplan document does not provide an appropriate and detailed working of this PDA and is light in terms of population estimates, phasing, massing, heights, integration, landscape capacity and key viewpoint assessment and recommended to Members that they note the contents of this supplementary report and that planning permission be refused as per the original planning report dated 14 September 2011 and amendments to reason for refusal number 3 contained in supplementary report number 1 dated 20 September 2011.

The Head of Governance and Law advised of the receipt of a private and confidential email that had been sent to the Council's Chief Executive by Mrs Pound and read out a section of this which Mrs Pound had requested be brought to Members' attention as follows:-

*"1. Please advise the PPSL that the personal comments within the new waive of 'letters for support' since December 2011 under application 09/00385/OUT – referenced below – are completely incorrect and defamatory and these comments have clearly been made by ill-informed and misguided individuals who have clearly got their facts wrong and/or purposely been given incorrect information. I do not feel that I need to justify what my or my husband's business is – suffice to say that it is not commercial property development.*

*I am a stakeholder within the community, run a small business – have done for the last decade – and contribute to the local economy. To that extent, I was recently invited by the Treasurer of the Cowal Marketing Group – as a ‘Business Colleague’ to join that Group so I do find it rather alarming that certain individuals have put in writing comments that I or my husband are commercial developers – when we are not – and contribute nothing to the local economy – when we do – to which I take exception and I would like to put the matter straight once and for all.*

*"2. I am also alarmed at an elected Member's personal and defamatory comments made at the last PPSL meeting on 23 November 2011. My answers to any personal questions at the Hearing were factually correct even though they had no relevance to the application and I have to request a public apology".*

The Head of Governance and Law advised that in terms of point 2 above this was not a matter for the PPSL Committee to deal with and that in terms of point 1 this has been drawn to Members' attention.

### **Motion**

That planning permission be refused as per the original planning report dated 14 September 2011 and amendments to reason for refusal number 3 contained in supplementary report dated 20 September 2011.

Moved by Councillor Daniel Kelly, seconded by Councillor Al Reay.

### **Amendment**

1. This site is described in planning terms as a very generous PDA and the development of less than 2 hectares of this site under the proposals before us to deliver a mixed use development to meet local need for houses, jobs and a childcare facility is in line with Argyll and Bute's Development Plan and Corporate Plan. This development is a proactive approach to sustaining economic growth and vibrancy in a rural area in what are extremely challenging financial times and will not impede future development of the other 28 hectares against a Masterplan approach to the total site. The submitted Masterplan clearly outlines how the landowner will unlock the potential of this area and support the endeavours of the estate to grow the local economy to a worldwide audience and market. Furthermore, regardless of any perceived shortcomings of the Applicant's Masterplan for the wider PDA I do not consider this 'Phase 1' shall prejudice the satisfactory development of the wider PDA in the longer term and does highlight a level of foresight as can be practicable in the current economic climate. This outline application will not impede the development of a co-ordinated and comprehensive Masterplanning approach for the rest of the site given its discreet and sensitive sighting within the overall PDA area. To this extent, I consider the submitted Masterplan to be broadly acceptable in this instance and demonstrates a comprehensive approach taken by the developer in bringing forward the site and therefore complying with requirements of the Local Plan's Action Plan. The developer has a long term vision for the area and a proven track record of supporting local enterprise and business in

difficult economic times and delivering sensitive and successful enterprises to meet local aspirations and provide much needed employment in the locality

In view of the local hearing attended by both objectors and supporters it is submitted that the proposed Masterplan has been adequately publicised to the local community and that there are unlikely to be any new issues arising given that the Masterplan has been altered only to the extent of removing a small area of land from its area of assessment and application being 'in the public domain' since 2009. The further period of consultation that has taken place over the past 3 weeks on the Council's website and local press is more than reasonable given that the new Masterplan has been altered only to the extent of removing a small area of land from its area of assessment. I am also aware of the huge groundswell of local public support for this development and also the fact that it strongly accords with Argyll and Bute Council's Economic Development Action Plan 2010 – 2013.

2. The inclusion of houses, affordable homes, business units and a childcare facility meets the aspirations of Argyll and Bute and contribute towards sustaining a fragile rural economy and grow and retain the population and should be seen as significant planning gain. This application is for an acceptable land use in the context of the area and would deliver increased amenity in the form of business development and opportunities, homes, childcare facilities for a wide catchment area, and the infrastructure proposals in respect of sewage treatment systems and access improvements would unlock the potential of the rest of the PDA in years to come.
3. By designating the PDA, the Council has accepted that the settlement pattern in this part of Glen Fyne will change. In that context, the development of 16 dwellings, 7 commercial units and a childcare community building within a 2 hectare site need not be regarded as excessive. Most of the land surrounding the actual application site is within the Applicant's control, so there would be no difficulty in imposing conditions requiring the submission and implementation of a strategic landscape plan to assist the assimilation into the countryside. Furthermore, there are no objections from statutory consultees to the development and specific design and bad neighbour concerns can be mitigated by conditions or even a Section 75 agreement at detail stage. Any other issues raised by the consultees, such as water or access, can be adequately addressed by planning conditions. To this extent, I consider appropriate landscaping, design, drainage, water supply, access and background noise conditions can be attached for the development to accord with Policies STRAT SI 1, STRAT DC 1, STRAT HOU 1 of the Argyll and Bute Structure Plan 2002 and to Policies LP ENV 1, LP ENV 10 and LP ENV 19.

I therefore move that the application be approved as being consistent with PDA 9/13 and relevant policies of the Argyll and Bute Local Plan, subject to appropriate conditions to be remitted to Officers in consultation with the Chair and Vice Chair of the PPSL Committee.

Moved by Councillor Bruce Marshall, seconded by Councillor Vivien Dance.

Councillor Reay advised that having heard the Amendment he would like to withdraw his support for the Motion which was accepted by Councillor Kelly and the Motion fell.

Having established that there were no further amendments, the Amendment became the Motion and the subsequent decision of the Committee.

### **Decision**

Agreed to grant planning permission subject to appropriate conditions to be remitted to Officers in consultation with the Chair and Vice Chair of the PPSL Committee.

(Reference: Report by Head of Planning and Regulatory Services dated 14 September 2011, Supplementary Report 1 dated 20 September 2011, Supplementary Report 2 dated 13 October 2011, Supplementary Report 3 dated 20 October 2011, Supplementary Report 4 dated 2 November 2011, Supplementary Report 5 dated 22 November 2011, submitted and Supplementary Report 6 dated 19 December 2011, tabled)

Having previously declared an interest in the following application Councillor James McQueen left the room and took no part in the discussion of this item. Councillor Bruce Marshall took no part in the discussion of this item.

### **5. NATIONAL GRID PROPERTY: SITE FOR THE ERECTION OF RETAIL STORE (CLASS 1) WITH ASSOCIATED DEVELOPMENT INCLUDING ACCESS, CAR PARKING AND LANDSCAPING: LAND AT FORMER GASWORKS, ARGYLL STREET/HAMILTON, DUNOON (REF: 11/00689/PPP)**

At the PPSL Committee on 23 November 2011, following a Hearing in the Queen's Hall, Dunoon on 9 November 2011, Members resolved to continue determination of this application for additional flood risk information to be submitted for consideration. The Development Manager spoke to the terms of supplementary report number 4 which confirmed receipt of further flood risk information from Dougal Baillie and responses from the Council's Flood Risk Management and SEPA. The report also referred to a letter of objection from GVA Grimley Ltd on behalf of Morrisons, further objections from James Barr/Kaya regarding flood risk issues and a letter of support from the Old Men's Club, Dunoon. The Development Manager also referred to supplementary report number 5 which was tabled at the meeting and confirmed receipt of further supporting information from the Applicants in response to matters raised at the Hearing, in the press and from objectors and a copy of this was circulated to Members. The Development Manager recommended that planning permission be approved as per the original report.

### **Motion**

That planning permission be approved subject to the conditions and reasons detailed in the Planner's original report dated 7 September 2011.

Moved by Councillor Daniel Kelly, seconded by Councillor Donald MacMillan.

### **Amendment**

Having read all the reports and listened closely to the debate at the hearing and weighing up the sometimes competing professional opinion on technical matters such as parking, flooding and land contamination I am unconvinced that the National Grid Site is either large enough or operationally viable to construct a modern supermarket of the scale as proposed. Whilst I acknowledge this is an 'in principle' application the attachment of no less than 27 conditions casts significant doubt over the deliverability and viability of the site and all of the technical matters could manifest into significant or 'show stopping hurdle' at which point more advantageous sites will have been lost from the area altogether.

Firstly, taking a precautionary principle approach in terms of climate change and additional rainfall and frequency of storm which increase the occasions when the West of Scotland is susceptible to flooding and associated damage, I do not agree that the site can deliver the size of store shown on the indicative plans and still have enough of the site to deliver the compensatory flood storage required. This development will increase the flood risk to other properties on the opposite bank of the burn and to properties downstream of the site. The applicant does not address these issues or whether any measures would be needed to protect the channel bed or opposite bank. The flood level estimates have been revised and the floodplain storage lost will have increased, but not the size of the compensatory flood storage area. Whilst I acknowledge the comments of both SEPA and Council's own engineer into the matter, which have been challenged by other professional experts particularly in respect of consistency of approach, I side with the professional opinion of Kaya Consulting and remain unsatisfied that matter is or can be resolved. The development is therefore contrary to the PPS, Strat DC10, LP SERV 8 and LP ENV1(D) in that it increases the risk to other land and property as it occupies the functional flood plain and the plans submitted do not give me comfort that this development will mitigate these risks.

Secondly, the parking provision and emphasis on this being a linked trip function site by officers concerns me greatly. Paragraph 1.9 of Appendix C of the Local Plan rightly expects that more parking should be provided where the car parking has a link to town centre shopping and parking. My interpretation is that the parking provision falls short of minimum requirements or is at the lower end of requirements and does not befit a modern supermarket that serves a dispersed and rural community such as the Cowal peninsula where there is a greater reliance on private cars. To this extent, I consider the application to be contrary to Policy LP TRAN 6 and Appendix C of the Local Plan.

Thirdly, I consider the proposal to be contrary to policy LP ENV 19 in that the density and layout of the building is inappropriate and represents overdevelopment of the site. The impact of this development in respect of its size, its location, its prominence and its relationship with the surrounding environment, including open space, renders it incompatible in that it fails to make a positive contribution to the area.



I consider that the applicant has failed and cannot prove beyond reasonable doubt that the site is free from technical impediments and therefore is not a viable site for retail for the people of Dunoon especially when more attractive offers are on the table. This site does not offer the best option and fails to maximise the potential for retail opportunities across the spectrum of food, non food and fuel to serve the Dunoon population and ensure the economic vibrancy and sustainability of a rural town. The plan for this site lacks vision and is a "shoe in" development, compressed to meet the needs of the applicant as to what can be fitted on site rather than what would best meet the aspirational retail needs of Dunoon and Cowal and as such is contrary to LP RET 1 in that it does not meet the sequential test.

With this in mind, and mindful of the requirements laid down to decision makers in SPP1, contrary to Officers' recommendation I propose an amendment that the application be refused for the reasoning stated above.

Moved by Councillor Vivien Dance, seconded by Councillor Mary Jean Devon.

### **Decision**

The Amendment was carried by 7 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 7 September 2011, Supplementary Report 1 dated 20 September 2011, Supplementary Report 2 dated 8 November 2011, Supplementary Report 3 dated 16 November 2011, Supplementary Report 4 dated 15 December 2011, submitted and Supplementary Report 5 dated 20 December 2011, tabled)

Councillor McQueen returned to the meeting.

Having declared an interest in the following application Councillor Bruce Marshall left the room and took no part in the discussion of this item.

**6. CWP PROPERTY DEVELOPMENT AND INVESTMENT: ERECTION OF CLASS 1 FOODSTORE WITH ASSOCIATED DEVELOPMENT TO INCLUDE CAR PARKING, ACCESS ROAD, ROAD BRIDGE, PETROL FILLING STATION AND ENGINEERING WORKS: 361 ARGYLL STREET, DUNOON (REF: 10/00222/PPP)**

At its meeting on 9 November 2011 the PPSL Committee agreed to continue consideration of this Application in view of the decision reached at the PAN 41 Hearing in respect of the National Grid Application (Ref: 11/00689/PPP) and that it would be dealt with again when considering the National Grid Application.

The Development Manager spoke to the terms of supplementary report 8 which confirmed receipt of a letter of objection (dated 8 December 2011) from the Commercial Property Manager of National Grid Property which was circulated to Members. Further information forwarded to the Head of Governance and Law in an email dated 20 December 2011 by the Applicant was also circulated to Members at the meeting. The Development Manager advised that in view of the

decision made by Members in respect of the National Grid Application (Reference: 11/00689/PPP), he recommended refusal of this application for reasons 1, 3 and 4 detailed in the original report and that reason 2 in respect of the sequential test no longer applied.

### **Motion**

That planning permission be refused for reasons 1, 3 and 4 detailed in the Planner's original report dated 4 March 2011.

Moved by Councillor Daniel Kelly, seconded by Councillor Donald MacMillan.

### **Amendment**

1. That in terms of the sequential test given that the National Grid site has been refused the site is now the sequentially preferable site for Dunoon and so consistent with Policy.
2. In terms of the significant impact on the retail centre of Dunoon as identified by the Applicant's retail impact assessment, it is considered that Dunoon town centre has a range of retail outlets, many of which are operated by locally based independent businesses and, as such, many are assessed to be fragile businesses unlikely to be able to withstand significant downturn in revenue from competition from an out of centre supermarket selling comparison goods. It is assessed that if there was a reduction in leakage of spend and if the town centre was made more attractive to shoppers, creating a more modern environment that would attract shoppers and tourists to frequent the town centre, then the identified negative impact would be offset by these factors and, as such, would make the impact justifiable as a minor departure from the development plan policy and together with the mitigation measures proposed would assist in sustaining the town centre with a limited adverse impact and, as such, would be a justified departure to policies STRAT S1, STRAT DC1, PROP SET 2 PROP SET 3, PROP SET 4 of the Structure Plan and policies ENV 1, ENV19 and P/PDA 1 of the Local Plan. It is my view that some niche suppliers and those selling established locally branded goods will be better placed to withstand such competition whilst others will need to reposition themselves to capitalise on the increased opportunities that reducing leakage of spend to the Gourock/Glasgow conurbation will provide. It is perceived that a new retail store that would reduce that leakage would have less of an impact on the retail centre than a smaller outlet which did not reduce that leakage on the basis that it would retain shoppers in the Dunoon area and attract shoppers from the wider Cowal and Bute area who would frequent not only the new retail store but would also be drawn to an improved town centre shopping area: thus a store of the scale of 40,000 square feet is judged to be of sufficient scale to reduce the leakage and to retain and redirect that lost revenue into the Cowal economy. In addition any such store will have a greater impact on the two existing supermarkets in Dunoon which are assessed as being more able to withstand the increased competition and that this increased competition will be of positive benefit to the economy of Dunoon as competition will be likely to reduce prices with increased future reduction of leakage to other retail centres and an increased spend available for non convenience goods in the Cowal area. It is further accepted that there will be some negative impact on

the town centre retail area and in mitigation of this a sum of £276,000 should be provided to the Dunoon town centre CHORD project for public realm works to create a more modern and inviting retail centre that would assist with the retention of small independent shops in the town centre, and support a transitional period as the town centre adjusts to the changed opportunities that will arise from the development.

3. That the Applicant's be required to enter into a section 75 agreement in the following terms namely
  - an undertaking to pay the sums identified by the District Valuer in compensation for the loss of affordable housing in accordance with policy hou2 and that such sum be paid prior to the commencement of development on the site to the Council strategic housing fund; and for the avoidance of doubt that such sum as may be calculated by the district valuer at his instance only shall not be subject to challenge by the applicants;
  - that in mitigation of the limited adverse impact on the retail centre of Dunoon that a commuted sum of £276,000 be paid by the Applicants to the Council for them to undertake public realm works, and any other works deemed appropriate by the Council to maintain the viability and vitality of Dunoon town centre by the Dunoon town centre CHORD project. Such works to improve the public space and infrastructure associated with the retail centre of the town to create a more vibrant and modern appearance to the retail area which will attract customers to the retail outlets in the town centre. For the avoidance of doubt the payment shall be made prior to the commencement of development.
4. That in respect of the detailed design of the store and any associated engineering operations, the concerns around the positioning of the retail buildings is endorsed and therefore the design scheme for the development should seek to minimise the impact on the townscape and should make provision for reducing the prominence of the building when viewed from the locality and which should incorporate traditional design elements sympathetic to the existing locality and with design treatments and finishes that recognise the rural location which together with appropriate landscaping and boundary construction and treatments will present a more homogenous appearance in the local townscape. Full details of the design proposals should be required as a suspensive condition attached to the planning approval and to meet the terms of policy STRAT S1, STRAT DC1, LP ENV 1, and LP ENV 19.
5. That detailed conditions and reasons for 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 Councillor Devon.

Moved by Councillor Mary-Jean Devon, seconded by Councillor Roderick McCuish.

### **Decision**

The Amendment was carried by 6 Votes to 3 and the Committee resolved

accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 4 March 2011, Supplementary Report 1 dated 15 March 2011, Supplementary Report 2 dated 30 March 2011, Supplementary Report 3 dated 7 April 2011, Supplementary Report 4 dated 9 May 2011, Supplementary Report 5 dated 8 September 2011, Supplementary Report 6 dated 19 September 2011, Supplementary Report 7 dated 8 November 2011, submitted and Supplementary Report 8 dated 19 December 2011, tabled)

Councillor Marshall returned to the meeting.

**7. MR DUNCAN CAMPBELL: SUB DIVISION OF GARDEN GROUND, ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE AND FORMATION OF NEW ACCESS: 7 LAGGARY PARK, RHU, HELENSBURGH (REF: 11/00784/PP)**

At its meeting on 23 November 2011 it was agreed to continue consideration of this Application to allow the Applicant to have further discussions with Planning Officers. The Development Manager spoke to the terms of supplementary report number 4 which confirmed that this meeting had now taken place and also referred to a further email from the Applicant's Agent in support of their Application. At the meeting the Applicant and his Agent requested feedback on whether an amended scheme would likely to prove acceptable. Officers confirmed that it could not be supported as it would not overcome the shortcomings identified within the original proposal. In light of this, the Applicants wish Members to proceed with the determination of this Application as submitted which is recommended for refusal for the reasons set out in the original report.

**Motion**

To continue consideration of this Application to the January PPSL Committee meeting to see if it is possible for a competent Motion to be prepared to allow approval of this Application.

Moved by Councillor Daniel Kelly, seconded by Councillor Vivien Dance.

**Amendment**

To support the Planner Officer's recommendation to refuse the planning application.

Moved by Councillor Al Reay, seconded by Councillor Robin Currie.

**Decision**

The Motion was carried by 10 votes to 4 and the Committee resolved accordingly.

(Reference: Report by Head of Planning and Regulatory Services dated 2 September 2011, Supplementary Report 1 dated 19 September 2011, Supplementary Report 2 dated 3 October 2011, Supplementary Report 3 dated 3

October 2011 and Supplementary Report 4 dated 7 December 2011, submitted)

Councillor Rory Colville left the meeting.

Having declared an interest in the following 2 applications Councillor Vivien Dance left the room and took no part in the discussion of these items.

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

The Planning Officer spoke to the terms of the report advising that the application site is located at the edge of the settlement of Helensburgh mostly within an area allocated for business and that a small portion of the site at the western edge is within an Open Space Protection Area (OPSA). A Class 1 retail use does not fit with the requirements of this allocation and the proposal is therefore a departure from the Development Plan in this respect. For the reasons stated in the report the proposal was also considered contrary to Scottish Planning policy, Structure Plan policy PROP SET 2 and Local Plan policy LP RET 1, Structure Plan policy STRAT FW 2 and Local Plan policies LP REC 2 and LP ENV 7 and that there are no material considerations which would justify a departure and it was therefore recommended that planning permission be refused subject to a discretionary hearing being held in view of the scale of third party representation. Reference was also made to a supplementary report tabled at the meeting which referred to additional information and representations received and which did not alter the Planner's recommendation.

**Decision**

Agreed to hold a discretionary hearing at a date and time to be determined in Helensburgh.

(Reference: Report by Head of Planning and Regulatory Services dated 15 December 2011, submitted and Supplementary Report 1 dated 20 December 2011, tabled)

**9. MR AND MRS J URQUHART: ALTERATIONS AND EXTENSION TO DWELLINGHOUSE: 64B COLQUHOUN STREET, HELENSBURGH (REF: 11/01590/PP)**

The Head of Planning and Regulatory Services spoke to the terms of his report advising that this application site was within the settlement boundary of Helensburgh and within the Upper Helensburgh Conservation area. He referred to a previous application for the erection of an extension being refused in 2008 and that this new application seeks to extend the property in a manner which overcomes the shortcomings of the original proposal. He also referred to supplementary report 1 which was tabled at the meeting and advised on a further assessment having been carried out in relation to the impact of the proposal on the amenity of the adjoining property in terms of sunlight and daylight. He recommended to Members that the contents of the report be noted, that the proposed 1.8 metre boundary wall should be deleted and that the

application be approved as a minor departure from Policy LP HOU 5 and Appendix A of the Argyll and Bute Adopted Local Plan subject to the justification and amended conditions and reasons listed in the supplementary report.

### **Decision**

Agreed to grant planning permission as a minor departure from Policy LP HOU 5 and Appendix A of the Argyll and Bute Adopted Local Plan subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the details specified on the application form dated 22/08/2011 and the approved drawing reference numbers 2027..31, 2027..32 and 2027..33 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. Development shall not begin until samples of materials to be used on external surfaces of the buildings and in construction of the wall has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing, with the Planning Authority.

*Reason: In order to integrate the development into its surroundings.*

3. Notwithstanding the details shown on the docquetted plans no consent is hereby granted for the proposed new 1.8 metre boundary wall. In addition, the existing boundary treatment shall be retained.

*Reason: In order to protect the amenity of the adjoining property.*

4. Notwithstanding the provisions of Article 3 and Class 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, no window or other openings shall be installed in the eastern facing elevations of the building without the prior written consent of the Council as Planning Authority.

*Reason: In order to prevent the inclusion of window or other openings in the specified elevations, which could significantly undermine the privacy and amenity of adjoining residential property.*

(Reference: Report by Head of Planning and Regulatory Services dated 1 December 2011, submitted and Supplementary Report 1 dated 20 December 2011, tabled)

Councillor Dance returned to the meeting.

**10. COUNCILLOR LEN AND MRS BEVERLEY SCOULLAR: ALTERATIONS AND EXTENSION TO DWELLINGHOUSE INCLUDING REPLACEMENT ROOF TILES AND NEW SOLAR PANELS: 45 CRAIGMORE ROAD, ROTHESAY (REF: 11/02175/PP)**

The Planning Officer spoke to the terms of the report advising that the Applicant is a Local Member for the Bute Ward. 45 Craigmor Road is a modest, two bedroomed detached dwellinghouse located within the Rothesay Conservation area. The proposal incorporates the erection of a domestic office on the west facing elevation; the expansion of the porch into a utility room on the north facing elevation; the removal of the existing rolled concrete tiles and their replacement with grey coloured smooth interlocking concrete tiles; and the installation of solar panels on the south facing roof slope. The proposal accords with policies LP ENV 1, LP ENV 14, LP ENV 19 and LP HOU 5 of the Argyll and Bute Local Plan (2009) and raises no other material consideration which would justify refusal of permission.

**Decision**

Agreed to grant planning permission subject to the following conditions and reasons:-

1. The development shall be implemented in accordance with the approved drawings as follows: Drawing Number 45CR/SP; Drawing Number 45CR/SPE; Drawing Number 45CR/SPP; Drawing Number 45CR/NEE; Drawing Number 45CR/SEE; Drawing Number 45CR/EEE; Drawing Number 45CR/WEE; Drawing Number 45CR/FPE; Drawing Number 45CR/RPE; Drawing Number 45CR/NEP; Drawing Number 45CR/SEP; Drawing Number 45CR/EEP; Drawing Number 45CR/WEP; Drawing Number 45CR/PFPP; Drawing Number 45CR/PRPP; and Drawing Number 45CR/CD 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. A sample of the proposed roofing tile shall be submitted to and approved in writing by the Council as Planning Authority prior to development being commenced. The development shall be completed using the duly approved sample.

*Reason: In order to secure an appropriate appearance in the interests of maintaining the character and appearance of the conservation area.*

(Reference: Report by Head of Planning and Regulatory Services dated 24 November 2011, submitted)

**11. COMMUNITY COUNCIL LIAISON MEETINGS**

A report drawing Members' attention to a series of recently convened planning workshops which were held across Argyll and Bute for the benefit of Community Councils was considered.

**Decision**

Noted the contents of the report and supported future Community Council engagement in the planning process.

(Reference: Report by Head of Planning and Regulatory Services, submitted)

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraph 13 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

**12. ENFORCEMENT CASE: 10/00319/ENAMEN**

The Committee considered enforcement report reference 10/00319/ENAMEN.

**Decision**

Agreed that a Section 33A enforcement notice be served.

(Reference: Report by Head of Planning and Regulatory Services, submitted)



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**ARGYLL AND BUTE COUNCIL****PLANNING, PROTECTIVE  
SERVICES AND LICENSING  
COMMITTEE****CUSTOMER SERVICES****18<sup>th</sup> January 2012**

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**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****TAXI FARE SCALE REVIEW**

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**1. SUMMARY**

- 1.1** In terms of the Civic Government (Scotland) Act 1982, Section 17, the Local Authority requires to fix maximum fares and other charges in connection with the hire of taxis operating in their area and to review the scales for taxi fares and other charges on a regular basis.
- 1.2** The Planning, Protective Services and Licensing Committee at their meeting on 19<sup>th</sup> January 2011 decided to increase the fare structure as follows:-

Tariff 1 from £2.50 to £2.70

Tariff 2 from £3.00 to £3.20

Tariff 3 from £3.50 to £3.70

that the charges in respect of soiling, waiting and telephone bookings remain as £100 (maximum), 30p per minute and 30p respectively;

that there be no change to the yardage distances which are currently based on an initial charge per 860yds and a subsequent charge of 20p for each additional 200 yds;

that a further review of the fare structure should be undertaken in 12 months time rather than 18 months as required in terms of the Civic Government (Scotland) Act 1982.

- 1.3** Letters to all taxi operators were issued on 1<sup>st</sup> November 2011 asking for representations from all organisations and individuals to be in by 28<sup>th</sup> November 2011.

**2. RECOMMENDATIONS**

- 2.1** The Committee are asked to:

- Review the existing scales and publish them proposing a date when the proposed scales shall come into effect.
- Authorise the Head of Governance and Law to advertise the proposed changes to tariffs and to invite any responses within one month of the advertisement and report back to members at their meeting on 22<sup>nd</sup> February 2012.

- Should no objections or representations be received in relation to the proposal delegate authority to the Head of Governance and Law in consultation with the Chair of PPSL to conclude the review without the requirement for the Committee to consider a further report on the review.

### 3. DETAIL

3.1 As a result of the latest consultation 9 written responses have been received and these are as follows:-

- i. Mr Turner from North Connel, Mr McInnes from Helensburgh and Mr Finlay from Cardross have responded requesting that there are no increases to the taxi fares. A copy of their emails are attached as Appendix 1. Ms Fletcher from Helensburgh has also responded requesting no increase however she is again suggesting that separate taxi zones have their own tariff. A copy of Ms Fletchers email with enclosure is attached as Appendix 2.
- ii. Mr Duncan from Rothesay supports a smaller yearly increase rather than a large amount every 18 or 36 months. Appendix 3 provides details of his proposal.
- iii. Mr MacIntyre, Chairman of Dunoon Taxi Owners Association also submitted a response recommending alterations in yardage as follows:-  
Tariff 1 – Increase from 860 to 880 yards and a decrease from 200 to 176  
Tariff 2 – Increase from 860 to 880 yards and a decrease from 170 to 150  
Tariff 3 – Increase from 860 to 880 yards.

There is also a proposal to increase the waiting time from 30 pence per minute to 35 pence per minute. A copy of the letter from Mr MacIntyre with Dunoon Taxi Owners Association proposals is attached as Appendix 4.

- iv. Mr Gemmell of Clyde Taxis has also responded requesting the same increases as Dunoon Taxi Owners Association. A copy letter from Mr Gemmell is attached as Appendix 5.
- v. Mr Wylie from Oban has responded requesting that there is no increase in the running mile or any other charges but that there is a 30 pence increase across all of the tariffs on the flagfall. A copy of Mr Wylie's letter is attached as Appendix 6.
- vi. Finally, Mr Robson from Mull has responded requesting that rural areas and Islands like Mull operate on tariff 2 instead of tariff 1 and apply tariff 3 as tariff 2. A copy of Mr Robson's letter is attached as Appendix 7.
- vii. For the purpose of comparison a table showing the existing tariffs as well as the proposals received is attached as Appendix 8.

- 3.2 Enquiries were made with Highland Council and Aberdeenshire Council regarding their existing taxi charges for the purpose of comparison and the findings are noted below.

	Argyll and Bute Existing Fares	Aberdeenshire Council's Fares	Highland Council's Fares
Tariff 1	£2.70 860 yards then 200 @ 20p	£2.60 880 yards then 1/10 of a mile @ 20p	£2.50 785 yards then 130 @ 10p
Tariff 2	£3.20 860 yards then 170 @ 20p	£3.60 880 yards then 1/10 of a mile @ 20p	£3.00 560 yards then 92 @ 10p
Tariff 3	£3.70 860 yards then 120 @ 20p	£5.20 880 yards then 1/10 of a mile @ 30p	£3.60 444 yards then 74 @ 10p

- 3.3 The Committee are advised that the National Statistics website detailed that petrol and oil, where prices overall fell this year but rose a year ago. The price of petrol, as recorded for the Retail Price Index, fell by 0.5 pence per litre between September and October 2011, to stand at 134.5 pence per litre, compared with a rise of 2.1 pence per litre last year to stand at 116.8 pence per litre. Diesel process rose by 0.1 pence per litre, to stand at 139.5 pence per litre this year, compared with a rise of 2.6 pence per litre last year to stand at 119.8 pence per litre.

- 3.4 The Committee are advised that West Dunbartonshire Council presently operate 2 different zones in their area. One zone for Clydebank and another zone for the Dumbarton and Vale of Leven Area. In 2006 a West Dunbartonshire Taxi Study was undertaken by TRI Taxi Studies Group and this study suggested consideration of a long term move to a single authority wide zone.

#### 4. CONCLUSION

- 4.1 Members are now required to review the matter of taxi fares. As previously advised in terms of Section 17 the procedure for reviewing taxi fares has changed.

In carrying out a review, the licensing authority must-

- (a) consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area,
- (b) following such consultation –
  - (i) review the existing scales, and
  - (ii) propose new scales (whether at altered rates or the same rates)
- (c) publish those proposed scales in a newspaper circulating in its area-
  - (i) setting out the proposed scales
  - (ii) explaining the effect of the proposed scales
  - (iii) proposing a date on which the proposed scales are to come into effect, and

- (iv) stating that any person may make representations in writing until the relevant date, and

- (d) consider any such representations

In reviewing the matter of taxi fares members are invited to consider whether;

- A) They wish to decrease/increase the yardage to such a level as proposed by Mr MacIntyre, Chairman of Dunoon Taxi Owners and Mr Gemmell of Clyde Taxis; or

Members may wish to impose a 30 pence increase across all of the tariffs on the flagfall as proposed by Mr Wylie; or

Members may wish to consider the proposals by Mr Robson and Ms Fletcher that separate taxi zones and rural areas have their own tariffs.

When considering all of the above proposals members may wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees. A total of 142 were consulted. Responses received are as detailed in paragraph 3.
2. The comparison of the general effect of Argyll and Bute's existing fares with those in place in Aberdeenshire and Highland Council.
3. The increase in the retail price index.
4. The increase in the price of fuel.

- B) They wish to reaffirm the current scale of maximum fares previously fixed by the Council in 2011 also having regard to the responses received from Mr Turner, Mr McInnes, Mr Finlay and Ms Fletcher requesting that there is no increases to the taxi fares. Members may also wish to have regard to:-

1. The lack of representation or response to the proposed review of taxi fare scales for or against from consultees.

Members should be aware that any person or any persons or organisations appealing to the Traffic Commissioner to be representative of taxi operators in the area who operates a Taxi in an area for which scales have been fixed or in respect of which a review has been carried out will still have the opportunity to lodge an appeal to the Scottish Traffic Commissioner within a 14 day period.

## 5. IMPLICATIONS

5.1 Policy – None

5.2 Financial – None

**5.3** Legal – The Council require to review taxi fares in terms of the Civic Government (Scotland) Act 1982

**5.4** HR – None

**5.5** Equalities – None

**5.6** Risk – None

## **6. APPENDICES**

Appendix 1 – Emails from Mr Finlay, Mr Turner and Mr McInnes

Appendix 2 – Email from Maxine Fletcher dated 28.11.11

Appendix 3 - Comments received from Mr Duncan received 9.11.11

Appendix 4 - Letter from Mr MacIntyre dated 22.11.11

Appendix 5 – Letter from Mr Gemmell dated 18.11.11

Appendix 6 – Letter from Mr Wylie dated 24.11.11

Appendix 7 – Letter from Mr Robson dated 6.11.11.

Appendix 8 – Comparison Table

CHARLES REPPKE  
Head of Governance and Law

Enc.

For further information contact: Alison MacNab  
Tel: 01546 604198

**MacNab, Alison**

---

**From:** MacNab, Alison  
**Sent:** 07 November 2011 09:35  
**To:** 'Iain'  
**Subject:** RE: taxi fares

Dear Mr Turner

Thank you for your email, your comments will be considered as part of the review.

Kind Regards  
Alison

Alison MacNab  
Governance & Law  
Argyll & Bute Council  
Tel: 01546 604198  
Fax: 01546 604177  
email: [alison.macnab@argyll-bute.gov.uk](mailto:alison.macnab@argyll-bute.gov.uk)  
website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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**From:** Iain [<mailto:i.turner721@btinternet.com>]  
**Sent:** 06 November 2011 09:26  
**To:** MacNab, Alison  
**Subject:** taxi fares

Your ref: amn/oct/4558

Hi My name is IAIN TURNER I am a taxi driver,you asked for my view on price increases.I think that the fares are dear enough and that people can barely afford cabs as it is,if they go up any more we wont have any customers  
Rgds IAIN TURNER

**MacNab, Alison**

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**From:** MacNab, Alison  
**Sent:** 21 November 2011 09:51  
**To:** 'Ronnie'  
**Cc:** MacFadyen, Sheila  
**Subject:** RE: Civic Government (Scotland) Act 1982

Dear Mr McInnes

Thank you for your email.

I can confirm that the comments contained in your email will be considered as part of the review.

Kind Regards

Alison MacNab  
Governance & Law  
Argyll & Bute Council  
Tel: 01546 604198  
Fax: 01546 604177  
email: [alison.macnab@argyll-bute.gov.uk](mailto:alison.macnab@argyll-bute.gov.uk)  
website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

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**From:** Ronnie [[mailto:ronnie\\_rjm@btopenworld.com](mailto:ronnie_rjm@btopenworld.com)]  
**Sent:** 18 November 2011 11:34  
**To:** MacNab, Alison  
**Subject:** FW: Civic Government (Scotland) Act 1982

**Review of Taxi Fare Scales – FAO Charles Reppke**

**Dear Sir**

Thank you for contacting me for feedback on the above planned review.

It is essential in the current economic climate that no increase to the existing fare structure be contemplated. In my experience, taxi business revenue has already fallen (typically between 30-50%) and these reductions in income are sustained, i.e. this is not just the occasional 'bad day'. The general trend continues to be extremely concerning and I see no likelihood of trading doing anything other than remaining extremely difficult for the foreseeable future.

To contemplate another increase, either to the flag-fall rate or the distance/time rate would be highly inappropriate and completely counter productive. In addition, the cost associated with any meter alteration is one which is very unwelcome for the same reasons.

Whilst it is true that the cost of living of essential commodities (e.g. food, fuel) appears to rise almost daily, we are already witnessing that taxi-ing, as an avoidable expense, is one which the public are choosing to reduce/eliminate altogether. For many, paying for a taxi is already an avoidable luxury.

I urge you to leave the existing tariffs in place for the above reasons.

**Yours Sincerely**

**Ronnie McInnes**  
148 East Prince's St  
Helensburgh  
G84 7DN

website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

'Realising Our Potential Together'

**From:** MacLean, Margaret (Legal)  
**Sent:** 24 November 2011 09:13  
**To:** MacFadyen, Sheila; MacNab, Alison  
**Subject:** FW: Tariff review

For your info

**Margaret MacLean**  
**Governance and Law - Licensing Section**  
Kilmory  
Lochgilphead  
PA31 8RT

**Tel 01546 604128 Fax 01546 604373**

[www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

**From:** licensing [mailto:[licensing@argyll-bute.gov.uk](mailto:licensing@argyll-bute.gov.uk)]  
**Sent:** 23 November 2011 17:24  
**To:** MacLean, Margaret (Legal); Innis, Lynsey  
**Subject:** FW: Tariff review

-----  
**From:** George Finlay[SMTP: ]  
**Sent:** Wednesday, November 23, 2011 5:24:05 PM  
**To:** licensing  
**Subject:** Tariff review  
**Auto forwarded by a Rule**

In reply to the proposed review, I can see no justification to increase tariffs at this time. The taxi trade in Helensburgh is struggling badly. Our trade is suffering, our customers take home wages being cut or frozen there is less disposable income, any rise will put an unnecessary strain on people who rely on taxis. If other areas in A & B want a rise the council must find away to resolve this issue one size fits all can no longer be justified. George Finlay ,8 hillside road, cardross,g82 5lx. Plate no 1651.



**MacNab, Alison**

---

**From:** Maxine Fletcher [maxine.fletcher@uwclub.net]  
**Sent:** 28 November 2011 16:33  
**To:** MacNab, Alison  
**Subject:** Review of Taxi Fare Scales  
**Attachments:** Zoning for tariffs.doc

Charles Reppke, Head of Governance & Law.

I do not wish an increase in the current level of taxi fares in Helensburgh & Lomond . The contraction in business will only be exacerbated by an increase in fares at one of quietest months in the year.

1. Once again it is necessary to emphasis the need for the separate taxi zones to have their own tariff to reflect the particular needs in their own area. I was given to understand that the previous request from the taxi trade was made too late for the last review. I attach a copy of the letter requesting the separate tariff zones and would draw your attention to the date on this letter. I do not know if this letter was put before the committee for consideration.
2. A passenger travelling to an area in Argyll & Bute, which may have a slightly lower tariff, would be offered a "fixed price" which would take this lower tariff into consideration. This is known as Fee by Negotiation, which has been present on our tariff for many years and is used as a matter of course. I am disappointed that a Council Officer did not make this clear to the committee. It only needs an small addition to this paragraph on the tariff card to include, "*or finishing in another Taxi Zone*".
3. The decision to confirm the application of a different tariff to the existing Taxi Zones, could be made at the beginning of the Tariff Review Committee Meeting.
4. The Helensburgh taxi trade were promised zoning for the purposes of vehicle numbers and tariff before we joined Argyll & Bute and the current Director of Customer Services will remember this.

Yours sincerely,

Maxine Fletcher      Taxi Licence number 2045  
South Lodge,  
Maidstone Road,  
Shandon,  
Near Helensburgh,  
G84 8PB  
Telephone 01438 820210  
Mobile      07768 555 585

# Helensburgh

## Taxi Operators' Association

South Lodge, Maidstone Road, Shandon, Near Helensburgh, Argyll, G84 8PB  
Tel/Fax: 01436-820210 Mobile 07768-555-585 e-mail: [maxine@helensburgh.co.uk](mailto:maxine@helensburgh.co.uk)

January 11<sup>th</sup> 2010

The Chairman,  
Planning, Protective Services and Licensing Committee,  
Argyll & Bute Council,  
Kilmory Castle,  
Lochgilphead,  
PA31 8RT

Dear Councillor Kelly,

Proposal for Helensburgh & Lomond licensing zone to operate an individual tariff  
separate from other Council zones

We respectfully request that you place the following proposal before your committee for discussion at your next meeting and before a decision is made on the current Taxi Tariff Review.

As Helensburgh & Lomond adjoins West Dunbartonshire Council area, taxi operators here are fearful that possible proposals for an increase in fares by other zones in Argyll & Bute, which **they** may need, will be forced upon us on the "one size fits all" principal. Helensburgh operators need to be competitive and an increase in fares will further erode the number of hires "over the border". We feel that each zone needs to be flexible in business to the needs of their customer base. This means not imposing a change in a tariff, that may be unwanted in other zones and which would adversely affect colleagues.

We call on your Committee to confirm that it will set a tariff proposed and accepted as suitable to the needs in each zone, acknowledging that some areas may elect to operate an identical tariff to each other. The current tariff review presents an ideal opportunity to effect this change, which is permissible within the Civic Government (Scotland) Act 1982.

Yours sincerely,

.....  
Brian Gallagher  
Chairman

.....  
George Findlay  
Treasurer

.....  
Maxine Fletcher  
Secretary

Argyll and Bute Council  
Comhairle Earra Ghàidheal agus Bhòid



## Customer Services

Director: Douglas Hendry

## Governance and Law – Legal Services

John Duncan  
19 Barone Road  
Rothesay  
PA20 0DU

Kilmory, Lochgilphead PA31 8RT  
Tel: 01546 604198 Fax: 01546 – 604373  
DX No: 599700 LOCHGILPHEAD  
e-mail: [alison.macnab@argyll-bute.gov.uk](mailto:alison.macnab@argyll-bute.gov.uk)  
Website: [www.argyll-bute.gov.uk](http://www.argyll-bute.gov.uk)

Our Ref: Amn/oct11/4558  
Your Ref:  
Date: 01 November 2011

Dear Sir or Madam,


### CIVIC GOVERNMENT (SCOTLAND) ACT 1982 REVIEW OF TAXI FARE SCALES

Following the Planning, Protective Services and Licensing Committee held on 19<sup>th</sup> January 2011 the decision was taken to undertake a further review of the fare structure in 12 months time rather than the normal period of 18 months. I am writing to inform you that Argyll and Bute Council proposes to carry out this review in accordance with the provisions of the above Act.

The procedure for reviewing taxi fares has changed. A licensing authority must before fixing fares consult with persons or organisations appearing to it to be, or to be representative of, the operators of taxis operating within its area. Following the consultation the licensing authority must review the existing scales and publish the proposed scales, propose a date when the proposed scales shall come into effect and consider any representations.

In this connection I am writing to you to consult you and obtain your views of the taxi fare structure. I would confirm that any individual or organisation wishing to make representations on the review should make them in writing by **28<sup>th</sup> November 2011** to Charles Reppke, Head of Governance and Law, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.

Yours faithfully

  
CHARLES REPPKE  
Head of Governance and Law

If 'phoning please ask for: Alison MacNab

Regarding above not sure what it all means but we would like to be kept informed of any changes. Also yearly is better if fares go up a small amount every year it is better than a large amount every 18 or 36 months as fuel is so high. John Duncan





MacIntyre's Taxi  
43 Valrose Terrace  
Dunoon  
PA32 7PS

MOB:  
land line: 01369 702710  
E-MAIL: [mac\\_intyre2002@yahoo.co.uk](mailto:mac_intyre2002@yahoo.co.uk)

MM/AM

22 November 2011

Mr Charles Reppke  
Head of Governance and Law  
Kilmory  
Lochgilphead  
PA31 8RT

Taxi Fare Increase

Dear Mr Reppke

Please find the enclosed the Dunoon proposal for the taxi fare review. we are proposing that there is a increase in the running mile only, the flag falls and the initial starting distance staying the same.

- Tariff 1 drops from 200 yards to 176 yards for 20p.
- Tariff 2 drops from 170 yards to 150 yards for 20p.
- Tariff 3 stays at 120 yards

this would give a 24 pence increase per mile, we also propose waiting time increases from 30 pence at present to 35 pence per minute. This would give a rise from £18 per hour at present to £21 per hour. The soiling charge would stay at £100 as at present. For taxi's called by means of telephone would be an additional charge of 30 pence. also ferry fare hirer's being liable for return ferry costs for any hire involving a ferry journey.

Your's Sincerely

Michael MacIntyre  
Chairman Dunoon Taxi

Tariff 1	Hirings from ranks or "flag" Hiring between 7am and 10pm	
	Initial charge (880 yards or part thereof) Subsequent charge (each 176 yards or part thereof)	£2.70 20 pence
Tariff 2	Hirings from ranks or "flag" Between 10pm and 7am	
	Initial charge (880 yards or part thereof) Subsequent charge (each 150 yards or part thereof)	£3.20 20 pence
	*Tariff 2 also applies to hirings from rank or "flag" between 6pm and 10pm December 24th, 6pm and 10pm December 31st and between 7am 2nd January and 7am 3rd January.	
Tariff 3	Hirings from ranks or "flag" between 10pm 24th December and 7am 27th December <b>and</b> between 10pm 31st December and 7am 2nd January:	
	Initial charge (880 yards or part thereof) Subsequent charge (each 120 yards or part thereof)	£3.70 20 pence

**Soiling Charge-** £100 maximum (with permission to display warning signs indicating that there may be an additional charge for any potential loss of earnings suffered as a consequence)

**Waiting time-** <sup>35</sup>~~25~~ pence per minute after commencement of journey, charged on a pro rata basis per second

**Taxi called by means of telephone-** 30 pence additional charge

**CLYDE TAXIS & GARAGE**  
128 QUEEN STREET, DUNOON, PA23 8AY

MR C. REPPKE  
ARGYLL & BUTE COUNCIL  
GOVERNANCE & LAW  
KILMORY  
LOCHGILPHEAD  
ARGYLL  
PA31 8RT

18/11/2011

REVIEW OF TAXI FARE SCALES

Dear sir,

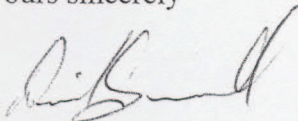
Since the last increase on the running mile in 2008 there has only been a 20p rise in the first 860yds of all fares adding up to no more than a 1-2% rise. During this time our running costs have increased as follows:

FUEL COST: APR '08- 90p PER LITRE  
NOV '11- 144p PER LITRE= 60% INCREASE

MINIMUM  
WAGE: APR '08- £5.52 PER HOUR  
NOV '11- £6.08 PER HOUR= 10% INCREASE

The other major inflationary rise was VAT up to 20% which pushed the price of all commodities up. In January 2012 the Government is implementing a 3p per litre fuel duty tax rise and a similar rise in June 2012. For these reasons we feel this proposal is more than justified if employment in the Taxi trade is to continue.

Yours sincerely



David Gemmell  
Director

CLYDE TAXIS PROPOSED FARE STRUCTURE 28TH NOVEMBER 2011		
Tariff 1	Hirings from ranks or "flag" Hiring between 7am and 10pm	
	Initial charge (880 yards or part thereof) Subsequent charge (each 176 yards or part thereof)	£2.70 20 pence
Tariff 2	Hirings from ranks or "flag" Between 10pm and 7am	
	Initial charge (880 yards or part thereof) Subsequent charge (each 150 yards or part thereof)	£3.20 20 pence
*Tariff 2 also applies to hirings from rank or "flag" between 6pm and 10pm December 24th, 6pm and 10pm December 31st and between 7am 2nd January and 7am 3rd January.		
Tariff 3	Hirings from ranks or "flag" between 10pm 24th December and 7am 27th December <b>and</b> between 10pm 31st December and 7am 2nd January:	
	Initial charge (880 yards or part thereof) Subsequent charge (each 120 yards or part thereof)	£3.70 20 pence

**Soiling Charge-** £100 maximum (with permission to display warning signs indicating that there may be an additional charge for any potential loss of earnings suffered as a consequence)

**Waiting time-** 35 pence per minute after commencement of journey, charged on a pro rata basis per second

**Taxi called by means of telephone-** 30 pence additional charge

ROBERT WYLIE  
 ARGYLL TAXIS  
 MULDOANICH  
 MORVERN HILL  
 OBAN  
 ARGYLL  
 PA34 4NS

ARGYLL & BUTE COUNCIL  
 GOVERNANCE AND LAW  
 KILMORY  
 LOCHGILPHEAD  
 PA31 8RT

24<sup>th</sup> November 2011

Dear Mr Reppke

#### REVIEW OF TAXI FARE SCALE

We are writing in response to your letter dated 1<sup>st</sup> November 2011, regarding our input on the proposed increase in the taxi fares.

Since 2008 the increase in the cost of living, fuel and the V.A.T rise has made it very difficult to make a living from running a taxi.

The cost of living has increased by	£3,938
The cost of fuel by	£1,300*
The cost of insurance	£300
The cost of maintenance	£1,000
The V.A.T increase	£500**

This is an increase of £7,039. The cost of fuel itself has risen on average 24p per litre and this is set to increase again when the fuel duty is set to rise again in April 2012. This is a great concern to me as a lot of fuel is wasted due to dead miles as unlike the city taxis I have to return to a central rank.

This is what we propose that the rise could be:

#### Tariff 1

£3.00 initial charge (860 yards or part thereof) and  
 20p subsequent charge (each 150 yards or part thereof)

#### Tariff 2

£3.50 initial charge (860 yards or part thereof) and  
 20p subsequent charge (each 120 yards or part thereof)

#### Tariff 3

£4.00 initial charge (860 yards or part thereof) and  
 20p subsequent charge (each 100 yards or part thereof)

We would also suggest an additional Tariff for Large Mini-bus type vehicles. At the moment, during the Christmas/New Year period, it is only an additional £1 regardless of distance even though there is more wear and tear on a larger vehicles and a higher use of fuel due to the additional weight, for example a hire to Appin, a distance of 19 miles, would cost approx £59 for four people but £60 for 6 people. We propose this could be an additional 60p per mile.



We do understand that in this current financial climate that any increase in taxi fares is a sensitive issue and will not be eagerly received by all customers and that a tariff set too high would damage business and put many drivers out of business but also feel that if there isn't enough of a rise in the tariff that many drivers would have to take on other employment. We feel that this would put the public at risk as drivers would be tired from working two or more jobs or more hours to make a living. As it is some drivers are working 18 hrs days without breaks.

Yours faithfully

Robert Wylie  
Argyll Taxis

\*average fuel tank 50litres, cost in 2008 was £1.08 per litre, cost of filling a 50 litre tank £54  
Average driver fills tank 100 times per year £5,400  
Average fuel tank 50litres, cost in 2011 was £1.34 per litre, cost of filling a 50 litre tank £67  
Average driver fills tank 100 times per year £6,700  
Difference £1,300

\*\*V.A.T increase would increase average household bills by £500

Arla  
Western Road  
Strongarbh  
Tobermory  
Isle of Mull  
PA75 6RA

Tel: 01688-302582

Email: [robson557@btinternet.com](mailto:robson557@btinternet.com)  
[www.mulltaxi.co.uk](http://www.mulltaxi.co.uk)

Mull Taxi Service – tel:-07760426351

Your ref : Amn/oct11/4558  
My ref: licence 3626

6<sup>th</sup> November 2011

To Argyll & Bute Council  
Governance and law – Legal services  
Kilmory  
Lochgilphead  
PA31 8Rt

Dear Mr Reppke,

I thank you for your letter of 1<sup>st</sup> november concerning review of taxi fare scales and I welcome the opportunity to give my views.

I believe the current fares are too low for the following reasons ;-

- 1 Mull may not have the highest fuel cost in Argyll, but it must be close. I pay nearly £1.55 per litre for diesel.
- 2 Mull roads! Yes the potholes, single track roads causing increased wear and tear to tyres, brakes and suspension, but also the nature of our roads and the fact that the taxi meter increases according to distance.

Let me explain. In almost 5 years I have rarely (single figures) had a trip where the taxi was not empty for half the overall trip. I live in Tobermory and take passengers from here, returning empty or pick passengers up elsewhere, deliver them to their destination, returning to Tobermory empty.

2 examples :-

The metered fare from Tobermory to Craignure (ferry terminal) is approx. £38. This journey is 21 miles and usually takes approx.1 hour there and back. The metered fare from Tobermory to Dervaig is approx. £15. This journey is less than 9 miles and takes approx. 45 minutes there and back. This is all single track road with twists and turns.

REGISTRATION SERVICE  
LEGG

8 NOV 2011

I feel that it is not a balanced system for Argyll & Bute Council to have 1 tariff covering all of the area. Taxi-ing in Helensburgh, Dumbarton or Oban must be completely different from what I experience.

I am giving my opinions and not just criticising (moaning) for its own sake. I am sure you will get many diverse replies to your letter, each one having a vested interest for the person concerned.

I do have a suggestion!

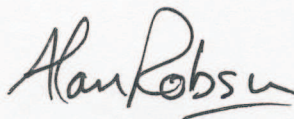
Could "rural" areas operate at rate 2, instead of rate 1 and use rate 3 instead of rate 2?

I feel this would bring extra income to me, the 3 licenced taxi operators on Mull and others in "rural" areas.

I think it would be challenging, but not impossible, for the Council to decide which areas could operate this system. The Council could invite taxi operators to make their case for this and consequently decide based on who applies and what reasons they give.

Not too radical an idea, I hope – one to which I am sure you will give due consideration.

Yours sincerely,

A handwritten signature in black ink that reads "Alan Robson". The signature is written in a cursive style with a prominent initial 'A' and a long horizontal stroke at the end.

Alan Robson.

EXISTING FARES	CLYDE & DUNOON TAXIS PROPOSED FARE STRUCTURE	MR WYLIE PROPOSED FARE STRUCTURE	MR ROBSON'S PROPOSED FARE STRUCTURE FOR RURAL AREAS
T-1	<p>Hirings from ranks or "flag" Hiring between 7am and 10pm</p> <p>Initial charge (860 yards or part thereof) Subsequent charge (each 200 yards or part thereof)</p> <p>£2.70 20p</p>	<p>Hirings from ranks or "flag" Hiring between 7am and 10pm</p> <p>Initial charge (860 yards or part thereof) Subsequent charge (each 200 yards or part thereof)</p> <p>£3.00 20p</p>	<p>Initial charge (860 yards or part thereof) Subsequent charge (each 170 yards or part thereof)</p> <p>Tariff also applies to hirings from ranks or "flag" between 6pm and 10pm December 24<sup>th</sup>, 6pm and 10pm December 31<sup>st</sup>, and between 7am 2<sup>nd</sup> January and 7am 3<sup>rd</sup> January</p> <p>£2.70 20p</p>
T-2	<p>Hirings from ranks or "flag" Hiring between 10pm and 7am</p> <p>Initial charge (860 yards or part thereof) Subsequent charge (each 170 yards or part thereof)</p> <p>£3.20 20p</p>	<p>Hirings from ranks or "flag" Hiring between 10pm and 7am</p> <p>Initial charge (860 yards or part thereof) Subsequent charge (each 170 yards or part thereof)</p> <p>£3.50 20p</p>	<p>Hiring from ranks of "flag" between 10pm 24<sup>th</sup> December and 7am 27<sup>th</sup> December and 10pm 31<sup>st</sup> December and 7am 2<sup>nd</sup> January</p> <p>Initial Charge (860 yards or part thereof) Subsequent Charge (each 120 yards or part thereof)</p> <p>£3.70 20p</p>
T-3	<p>Hiring from ranks of "flag" between 10pm 24<sup>th</sup> December and 7am 27<sup>th</sup> December and 10pm 31<sup>st</sup> December and 7am 2<sup>nd</sup> January</p> <p>Initial Charge (860 yards or part thereof) Subsequent Charge (each 120 yards or part thereof)</p> <p>£3.70 20p</p>	<p>Hiring from ranks of "flag" between 10pm 24<sup>th</sup> December and 7am 27<sup>th</sup> December and 10pm 31<sup>st</sup> December and 7am 2<sup>nd</sup> January</p> <p>Initial Charge (860 yards or part thereof) Subsequent Charge (each 120 yards or part thereof)</p> <p>£4.00 20p</p>	<p>No proposal for a Tariff 3 to apply</p>

\*\*Also proposes increase in Waiting Time – from 30 pence per minute to 35 pence per minute

Argyll and Bute Council  
Development and Infrastructure Services

**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**

---

**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

---

**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.

Author: Howard Young 01436 658888  
Contact Point: Richard Kerr 01546 604845

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

05 January 2012

**Argyll and Bute Council  
Development and Infrastructure Services**

**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. 4**

**1.0 ADDITIONAL INFORMATION**

Members will recall that it was agreed to continue consideration of this application following a site familiarisation, in order to allow officers to clarify with the applicant whether he wished to see the application determined as submitted, or whether on the basis of his subsequent suggestions, he wished to withdraw his current application and submit a new one for an amended position of the proposed house.

A meeting has now been held with the applicant and his agent at which they requested feedback on whether an amended scheme would be likely to prove acceptable. Officers have confirmed that it could not be supported, as it would not overcome the shortcomings identified with the original proposal. In the light of this, the applicants wish proceed with the determination of the application as submitted which is recommended for refusal for the reasons set out in the original report.

A further email from the applicants agent was received in support of their application. The key points are summarised below:

- It is their firm belief that the original layout offers the best end result with regard to the re-development and enhancement of the application site and an overall upgrading of the wider streetscene.
- The site is currently overgrown with a semi-derelict wall. The applicant proposes to remove two trees of moderate quality and replace these with two or more blossoming trees. The streetscene could then change from a semi-derelict wall to a row of blossoming trees.
- The loss of this garden ground will not affect the character or amenity of Laggary Park in any way. It is considered a development on Station Road consistent with the mixed housing on the street. Its future development will enhance its value in terms of equity as well as its contribution within the streetscene and in the short term will create employment opportunities.
- The application site mirrors the existing built form whereby house plots of a similar size and shape run alongside Station Road. The burn along the frontage of the site

makes it impractical to mirror the exact position of neighbouring properties. However the house position allows a row of trees to be retained for partial screening.

- The development site is only part of a larger wooded area. It will lose only 2 Category B trees and five Category C trees which will not be injurious to the streetscene, especially when the two Category A trees will be retained. New planting could compensate for dountakings.
- Of the two Category B trees that would be removed, the larger has a cavity affecting the main fork which presents a long term risk of collapse towards the road. The other has a weak fork. If these trees are to be retained, the applicants seek clarification of liability in the event that the tree or major limbs fall within or outwith the garden.
- The layout meets the road safety guidelines.
- The lowering of the damaged stone wall will make it stable. This wall has become derelict, overgrown and unstable. If this must be retained the applicants require clarification of liability in relation to the wall falling in to Station Road.
- There would be no loss of privacy to any neighbouring houses. The development would also ensure better ongoing maintenance of the site and the small burn which runs through it. The applicant has no plans to employ a gardener nor commit time to maintenance. The garden will be partitioned from the main garden of 7 Laggary Park.
- The scale and design of the proposed house was deemed acceptable at pre-application stage. It is of a better design and uses better materials than most of those in the vicinity. Furthermore, a very similar house was granted permission in the last few years further up Station Road.

## **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.

**Angus J Gilmour**  
**Head of Planning & Regulatory Services**  
**07 December 2011**

Author: Howard Young 01436 658888  
Contact Point: Richard Kerr 01546 604845



**Argyll and Bute Council  
Development and Infrastructure Services**

**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.3**

**1.0 SUMMARY**

Members will recall that it was agreed at the October Committee to continue consideration of this application to the next meeting to allow officers to clarify with the applicant which set of plans he wished to put forward for consideration, and whether or not he wished to see the original proposal determined, or whether he proposed to withdraw this current application and submit a new application in respect of an alternative proposal.

The applicant's agent has since advised that he would be pleased to secure planning permission for either of the two site layouts. Consequently, he would like to discuss both layouts further with officers to see if there is an appropriate compromise that could be reached in a bid to secure a favourable recommendation.

**2.0 RECOMMENDATION**

It is recommended that Members note the terms of this report and agree to continue the application for further discussions at the request of the applicant.

Author: Stephanie Spreng 01436 658889  
Contact Point: Richard Kerr 01546 604845

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

03 October 2011

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Argyll and Bute Council  
Development and Infrastructure Services

**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

---

**SUPPLEMENTARY REPORT NO.2**

**1.0 SUMMARY**

Members will have received a submission from the applicant regarding the above application. The key points are summarised and assessed below.

- Is the proposed development inconsistent with the conservation area or unattractive? Does the loss of two trees impact significantly on the conservation area? Tree density in the area remains very high and the number of trees on site remains higher than similar homes in the conservation area. Moreover, of the two trees that require removal, the larger has a cavity, and this weak point predicts the major limb falling. Additionally, both trees shed leaves onto the steep road reducing tyre traction in autumn and winter and leading to blockage of the burn running under the road leading to flooding.

*Comment: The application site forms part of a larger area which is a TPO and which successfully integrates and softens the impact of existing residential development into its wider landscape setting. The applicant's tree survey submitted with the application indicates 13 trees within the site and one on the boundary. Of these 6 are in good condition, 6 in fair condition, 1 in poor condition and 1 dead tree. Under the original plans the dead tree will be removed while 6 others would need to be removed to accommodate proposals. Of these 6, 4 are in fair condition and 2 in good condition. Additionally, another tree in good condition may be affected by the proposals. 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. The state of the trees and the issue of leaves causing traction issues and flooding is the responsibility of the owner. The planning authority would look sympathetically on any appropriate works to a protected tree.*

- Thirteen objections have been raised of which two people have objected twice. Of the objectors five will not be able to see the proposed development.

*Comment: Anyone can object to an application. The objections are on legitimate planning grounds and are a material consideration in the assessment of the proposal along with the previous refusal of planning permission on this site.*

- Along this area of Station Road there is a mixed style of housing. Directly opposite are 34 local authority houses and a modern estate. Further along the road to the south is a period house, Laggary Lodge, which is already flanked on two sides by modern houses. To the north and adjacent to the proposed site is Laggary Cottage which sits directly opposite the modern estate on Glebefield Road. Next to that is the Coach House which is directly opposite a modern detached house with integral garage (Glebe Cottage), followed by the modern houses of Torr Crescent

*Comment: Station Road presents two distinct "sides" one traditional, one more modern, and clearly marks a boundary between different types of housing. It is not a transition zone but two markedly different areas. While the plot itself follows the pattern of the adjacent properties to the north east of the site, these houses are traditional lodge/gate houses sited to the very front of their sites abutting Station Road. Both the design and position of the proposed house does not reflect this existing character, instead proposes the house to be at an angle within the grounds which is out of character with the area. The applicant has indicated a potential amended footprint with the proposed house sitting gable end on to the road. This is reinforced by a simulated picture of the proposed house shown with replacement planting. It is difficult to say if the perspective is accurate in terms of depth of field but it does confirm that even with this amended footprint it will still be visually intrusive, visually discordant and contrary to policy. Sub-dividing the plot and siting a new house of modern design set back 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. It would be visually intrusive, visually discordant and would not maintain or enhance the character of the area.*

- Approximately half of the entire site is cultivated, set to lawn and used as a family garden. The proposed development involves only the rear, unmaintained, overgrown half of the land. We propose to build a quality 4 bedroom dwellinghouse of an identical design to a house already built 400m further along Station Road. The boundary wall would be rebuilt in stone. We also propose to re-plant sympathetically trees/shrubs in order to maintain the character of the road.

*Comment: The planting of replacement trees and shrubs around part of the plot will not be sufficient to retain the woodland character of the site in either the short or the long term. The site is covered by a Tree Preservation Order and the proposal will prevent significant regeneration and replanting of trees by reducing the area available for tree cover and changing the character of the site from woodland to suburban garden. The loss of trees and other vegetation cover and their replacement with a substantial dwelling, hardstanding and other associated suburban development will clearly neither preserve nor enhance the character of the area as required by development plan policy. This is reinforced by the simulated picture of the proposed house which in this location and this part of the conservation area will be visually intrusive, visually discordant and contrary to policy.*

- The previous planning refusal raised a number of concerns. The first of these was precedent as there was concern that there could be copycat development at number 3 and 5 Laggary Park. This is not the case as the frontage of these

gardens could not allow for the permissible sight lines deemed necessary for a vehicular access.

*Comment: Whilst each case is judged on its merits, if permission is granted, it could well set a precedent for copycat proposals, particularly as permission was previously refused on this site. It is likely that appropriate access could be provided should other development be proposed.*

- The second reason for refusal under the previous application related to the detrimental impact on amenity and landscape quality. The site does not have public access and amenity can only be viewed as a balance between the appearance of trees and available light for homes and gardens. The proposal would reduce tree density and would improve light to the front gardens of several smaller family homes opposite.

*Comment: Amenity is defined, inter alia, as the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors. As such lighting is only one minor aspect of this. Trees form an important part of our environment and in the delivery of sustainable development. They contribute considerably to the amenity of the landscape and streetscene, add maturity to new developments, make places more attractive, and help soften the built environment by enhancing pleasant views, by breaking up view lines and by screening unattractive buildings and undesirable views. A planning authority has a legal duty to protect trees. In this case the loss of trees and other vegetation cover and their replacement with a substantial dwelling, hardstanding and other associated suburban development will clearly neither preserve or enhance the character of the area and critically undermine the amenity of adjoining properties and the surrounding area. This was clearly recognised in the previous refusal on this site.*

- The third concern under the previous refusal was that the introduction of a structure into a position immediately adjacent to Station Road would detract from the established streetscape and at odds with the original design concept of Laggary Park which places no property in direct roadside position to Station Road other than long established properties. The proposed development would be outwith and unseen from Laggary Park. It would be directly opposite an estate of ex local authority housing and the modern housing (Glebeheld Road) which was developed sometime after Laggary Park. This does not constitute historic or long established buildings.

*Comment: This previous reason for refusal and the others are correct and still relevant. As indicated above Station Road presents two distinct "sides" and clearly marks a boundary between different types of housing. It is not a transition zone but two markedly different areas. While the plot itself follows the pattern of the adjacent properties to the north east of the site, these houses are traditional lodge/gate houses sited to the very front of their sites abutting Station Road. Both the design and position of the proposed house does not reflect this existing character, instead proposes the house to be at an angle within the grounds which is out of character with the area. Sub-dividing the plot and siting a new house of modern design 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. It would be visually intrusive, visually discordant and would not maintain or enhance the character of the area.*

## **2.0 RECOMMENDATION**

It is recommended that whilst the contents of this report are noted, they do not change the recommendation contained in the original report of handling and that planning permission should be refused for the reasons set out in that report.

Author: Howard Young 01436 658888  
Contact Point: Richard Kerr 01546 604845

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

03 October 2011

**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**

---

**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

---

**SUPPLEMENTARY REPORT No 1**

**A. INTRODUCTION**

This report makes a minor change to reason for refusal recommended in the original report for the purposes of clarity. The underlying grounds of refusal remain unaltered.

**B. GROUNDS OF REFUSAL RELATIVE TO APPLICATION 11/00784/PP**

The site is located in the rear garden area of 7 Laggary Park. The existing character of Laggary Park is of substantial dwellings set within large garden areas around Laggary House, an imposing Category B Listed Building. The proposed dwellinghouse is sited on a wooded area of garden ground which is covered by a Tree Preservation Order and is within the Rhu Article 4 Conservation Area. The application site forms part of the setting of the Laggary Park development and has amenity value in the immediate area and wider Conservation Area due to its mature tree cover and woodland appearance successfully integrating and softening the impact of existing residential development into its wider landscape setting. The proposed development would result in the loss of six mature trees as well as numerous mature shrubs including rhododendron and cherry laurel which are important to the character and appearance of this part of the Conservation Area. 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 Laggary 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. It would be visually intrusive, visually discordant and would not maintain or enhance the character of the area. The proposal is therefore contrary to Policies STRAT DC 9 and STRAT FW 2 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 7, LP ENV 14, LP ENV 19, LP HOU 1 and Appendix A of the Argyll & Bute Local Plan. These require, inter alia, that proposals provide a high standard of building and landscape design, prevent the loss of trees, contribute to environmental quality and maintain or enhance the amenity of the surrounding area. Proposals which unacceptably detract from the character or appearance of Conservation Areas or their setting will be resisted.

**NOTE TO APPLICANT**

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 16/05/2011 and the refused drawing reference numbers Loc Rev A, 01 Rev. B, 02 and 03.

**Author of Report: Howard Young**

**Date: 19/09/2011**

**Reviewing Officer: Richard Kerr**

**Date: 19/09/2011**

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



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**DECISION ROUTE**

(i) Local Government Scotland Act 1973

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**(A) THE APPLICATION**

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

- Erection of dwellinghouse
- Erection of garage
- Formation of new access
- Alterations to boundary wall
- Erection of 1.8 metre timber fence

**(ii) Other specified operations**

- Connection to existing public water supply
  - Connection to existing public sewer
- 

**(B) RECOMMENDATION:**

It is recommended that planning permission be refused for reasons given overleaf.

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**(C) HISTORY:** C9209 – Erection of dwellinghouse (outline) – Refused 25/11/1992

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**(D) CONSULTATIONS:**

Area Roads Engineer	27.06.2011	No objections subject to conditions.
Scottish Water	14.07.2011	No objections

Scottish Natural Heritage                      No response, time expired

Horticultural Services                        No response, time expired

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**(E) PUBLICITY:** Listed Building/Conservation Advert (expiry date 24.06.2011)

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**(F) REPRESENTATIONS:**

Thirteen letters of objection have been received from the following:

Stuart Graham, Laggary Cottage, Station Road, Rhu (letter dated 08/06/2011)

Miss Karen Young, 28 Laggary Road, Rhu (letter dated 17/06/2011 and email dated 21/06/2011)

K I Thompson, Laggary Lodge, Pier Road, Rhu (letter dated 15/06/2011)

Mr John and Mrs Elizabeth Reid, 29 Laggary Road, Rhu (letter dated 14/06/2011)

James and Susan Miller, 8 Laggary Park, Rhu (letter dated 13/06/2011)

Jim and Katy Findlay, 4 Laggary Park, Rhu (letter dated 21/06/2011)

Mrs JPC Whitaker, 10 Laggary Park, Rhu (letter dated 20/06/2011)

D Reid 31 Laggary Road, Rhu (letter dated 18/06/2011)

B M Petchey, 30 Laggary Road, Rhu (letter received 21/06/2011)

Michael Hamill, 9 Laggary Park, Rhu (letter dated 10/06/2011)

Alan Pyke and Alison Hatrick, Coach House, Cottage Station Road, Rhu (letter received 24/06/2011)

John J Reid and Mrs Elizabeth Reid, 29 Laggary Road, Rhu (26/06/2011)

Mrs Christine Henderson, 6 Laggary Park, Rhu Helensburgh (email dated 19/06/2011)

**(i) Summary of issues raised**

This area of ground has been neglected and left to deteriorate over the years. This may have been intentional in order to improve the possibility of gaining planning permission.

*Comment: Any application is judged on its own merits and determined against Development Plan Policies and other material considerations.*

There are road traffic issues as an opening at this location would be dangerous due to the speed of traffic and the inadequate visibility sightlines.

*Comment: The Area Roads Manager has no objections.*

It is proposed to remove 6 or 7 trees to clear the site. Most of these are in fair to good condition and amongst the tallest on site. The removal of these trees would be detrimental to the area.

*Comment: See my assessment.*

Development is restricted in this area through the deeds of each property.

*Comment: This is a civil matter.*

The stone wall contributes to the character of the conservation area and this part of station road. Its removal should be resisted.

*Comment: The proposal will reduce the height of the wall and reposition it slightly. The new wall will be built using stone duntakings from the existing wall. This will be similar in character to the dwelling next door and it is not considered that this will have a detrimental impact on the character of the area.*

There is a problem with water run-off in the area already. Should this be allowed the areas of hardstanding would increase this water run-off.

*Comment: Should the application be approved a SuDS condition would be placed on the consent to ensure that an acceptable scheme of surface water drainage was implemented.*

A previous application on this site 12-15 years ago was turned down by Dumbarton District Council.

*Comment: An application was refused in 1992 and is a material consideration in the assessment of this application. See also my assessment.*

If this is granted it could set a precedent.

*Comment: Each case is judged on its own merit.*

The development will have an adverse affect on the character and amenity of the area.

*Comment: See my assessment.*

---

**(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**

Design/Access Statement

The application site is the rear portion of garden ground located to the north-west of the main house at 7 Laggary Park, Rhu. The existing property is a sizeable detached

dwellinghouse with a total curtilage of almost 3000sqm. The application site is outwith the maintained parts of the garden ground and do not contribute to the amenity of the house in terms of useable garden ground.

The site measures 30m x 36m, has a small stream running through it and is located at the north-west corner of Station Road. At 1109 sqm, being within an established residential area and having scope for a separate vehicular entrance, it is deemed appropriate to consider the formation of a new house plot.

The aim is to sub-divide the rather isolated and under used section of their rear garden, to remove some of the overgrown trees and scrub growth and to open up the area along side Station Road, and to introduce a new family sized house in a way that externally reflects the traditional scale and character of the better properties within the locality, it will look attractive and well maintained without detracting from the privacy of the main house or other neighbouring properties and as such it will generally enhance the overall residential and visual amenity of the locality.

In terms of external materials and finishes, a series of roof planes will add visual interest and character, clad in natural slate, with rendered walls and window/door openings offering a strong vertical emphasis. The house design is

The house and garage positions have been established in conjunction with the findings of the Tree Survey to ensure the suggested Construction Exclusion Zones can be adhered to. The site is fairly flat and there will be no need for significant underbuilding. In so doing these design criteria, in conjunction with re-built natural stone walling to either side of the entrance with appropriate replacement landscaping, will ensure clear visibility of cars or pedestrians travelling along Station Road whilst also offering a greater sense of privacy to occupants of the proposed house.

In order to comply with roads guidelines the existing wall will be taken down and re-built to provide the required visibility splays. The access will bridge over the underground stream. There will be sufficient scope for 2 or more vehicles to enter, turn and leave the property in forward gear and without encroaching on the public highway.

With regards to other landscaping works upon completion it is proposed to create grassed lawns around the house with the trees and bushes around the perimeter being protected by fencing during the period of construction and thereafter retained. In this way they will continue to offer a mature landscape screening between the existing and proposed houses.

The services are on site and readily available. The surface water will be routed for attenuation to new drainage/soakaway channels introduced around the proposed house.

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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 Structure Plan' 2002

STRAT DC 1 – Development within the Settlements  
STRAT DC 9 – Historic Environment and Development Control  
STRAT FW 2 – Development Impact on Woodland

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 7 – Impact on Tree/Woodland  
LP ENV 14 – Conservation Areas and Special Built Environment Areas  
LP ENV 19 – Development Setting, Layout and Design

LP HOU 1 – General Housing Development

LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
LP TRAN 6 – Vehicle Parking Provision

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)

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

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

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

- (N) Does the Council have an interest in the site: No**
- 

- (O) Requirement for a hearing (PAN41 or other):** Although 13 letters of representation have been submitted permission for the development of this site has previously been refused and is recommended for refusal again. As such it is not considered that a hearing is required in this instance.
- 

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

Planning permission is sought for the erection of a dwellinghouse and garage within the lower garden area of 7 Laggary Park, Rhu. This is a detached dwellinghouse within the Rhu Article 4 Conservation Area and the site also has a Tree Preservation Order in place. The proposal is to subdivide the plot with the northern part being used for the new dwellinghouse. This would give the proposed new dwellinghouse a direct road frontage onto Station Road. The formation of the access would involve the reduction in height of the existing stone boundary wall in order to allow the required sightlines.

The plot is large enough to accommodate a new dwellinghouse and the design is considered acceptable. However, the proposal would result in the loss of seven mature trees as well as numerous mature shrubs including rhododendron and cherry laurel which are important to the character and appearance of this part of the Conservation Area. As originally submitted, the proposal would also have resulted in the loss of two other mature trees. Although amended plans have indicated that the trees will remain on site, the proximity of the proposed dwellinghouse to these trees could mean that they might become a nuisance, could have their root system undermined and could potentially result in their loss as well. 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. Moreover, 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.

An application for the same plot (although for outline consent) was refused in 1992. The reasons for refusal were that the development would have a detrimental impact on the amenity and landscape quality of Rhu Conservation Area as it would intrude on the area of woodland which is an important aspect of Laggary Park and establishes the character and amenity of this part of the village; that a structure in this area would significantly detract from the streetscape of the area; and that the development could set a precedent. While this refusal was a number of years ago, it is still considered a material consideration in the determination of this application and that the underlying principle against development remains.

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**(Q) Is the proposal consistent with the Development Plan: No**

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

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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:** Stephanie Glen

**Date:** 31/08/2011

**Reviewing Officer:** Howard Young

**Date:** 02/09/2011

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

**GROUNDS OF REFUSAL RELATIVE TO APPLICATION REF. NO. 11/00784/PP**

The site is located in the rear garden area of 7 Laggary Park. The existing character of Laggary Park is of substantial dwellings set within large garden areas around Laggary House, an imposing Category B Listed Building. The proposed dwellinghouse is sited on a wooded area of garden ground which is covered by a Tree Preservation Order and is within the Rhu Article 4 Conservation Area. The application site forms part of the setting of the Laggary Park development and has amenity value in the immediate area and wider Conservation Area due to its mature tree cover and woodland appearance successfully integrating and softening the impact of existing residential development into its wider landscape setting. The proposed development would result in the loss of seven mature trees as well as numerous mature shrubs including rhododendron and cherry laurel which are important to the character and appearance of this part of the Conservation Area. As originally submitted the proposal would also have resulted in the loss of two other mature trees. Although amended plans have indicated that these trees will remain on site, the proximity of the proposed dwellinghouse to these trees could mean that they might become a nuisance, could have their root system undermined and could potentially result in their loss as well. 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 Laggary 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. It would be visually intrusive, visually discordant and would not maintain or enhance the character of the area. The proposal is therefore contrary to Policies STRAT DC 9 and STRAT FW 2 of the Argyll and Bute Structure Plan and Policies LP ENV 1, LP ENV 7, LP ENV 14, LP ENV 19, LP HOU 1 and Appendix A of the Argyll & Bute Local Plan. These require, inter alia, that proposals provide a high standard of building and landscape design, prevent the loss of trees, contribute to environmental quality and maintain or enhance the amenity of the surrounding area. Proposals which unacceptably detract from the character or appearance of Conservation Areas or their setting will be resisted.

**NOTE TO APPLICANT**

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 16/05/2011 and the refused drawing reference numbers Loc Rev A, 01 Rev. B, 02 and 03.

## **PLANNING LAND USE AND POLICY ASSESSMENT**

### **A. Settlement Strategy**

The site is within the settlement boundary of Rhu as defined by the adopted Local Plan. The site is also within the Rhu Article 4 Conservation Area and is covered by a Tree Preservation Order. Within the settlement boundary there is a presumption in favour of development subject to site specific criteria being met. In this instance, the development must maintain or enhance the character and appearance of the Conservation Area and it must not have an adverse impact on trees within the site.

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

The site is located in the rear garden area of 7 Laggary Park. The existing character of Laggary Park is large dwellings set within large garden areas around Laggary House, an imposing Category B Listed Building. The curtilage of 7 Laggary Park is large measuring approximately 2950 square metres. The proposed house plot is an unused area at the bottom (north-west) of the applicant's garden measuring approximately 1150 square metres. It is bounded by Station Road to the north-west and on all other sides by residential properties and would therefore have a direct road frontage. There is a mix of house types in the area, with Laggary House, a listed building to the east and ex local authority housing to the west of the site.

The proposed house would be located towards the rear of the plot at an angle with the road. As originally submitted it was also intended to erect a double garage 7 metres south-west of the dwelling. However, amended plans submitted for discussion indicate the garage removed. The dwellinghouse itself will be 1½ storeys, with a central gable feature with dormer windows to either side of this. The windows will have a vertical emphasis with mullions between the windows to the front elevation and the house will be finished in wet dash render with smooth banding around the window and door openings and it will have a natural slate roof.

The site is within the Rhu Article 4 Conservation Area. In accordance with Policy LP STRAT DC 9 of the Structure Plan and Policy LP ENV 14 of the adopted Local Plan, all development must maintain or enhance this area. It is considered that the scale, design and choice of materials of the dwellinghouse is acceptable. In accordance with Policy LP ENV 19 of the adopted Local Plan, the proposed new dwelling should be sited so as to pay regard to the context in which it is located, should be of a density compatible with the surrounding area and be designed to be compatible with its surroundings. The development should not create any amenity issues to neighbours or the surrounding area by way of overlook, overshadowing, loss of daylight and so on. While the new house will not raise any amenity issues with neighbours, it is considered that the siting of the house is not in keeping with the settlement pattern of the area. While the plot itself follows the pattern of the adjacent properties to the north east of the site, these houses are traditional lodge/gate houses sited to the very front of their sites abutting Station Road. The position of the proposed house does not reflect this existing character, instead proposes the house to be at an angle within the grounds which is out of character with the area. 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. It would be visually intrusive, visually discordant and would not maintain or enhance the character of the area.

### **C. Impact on Woodland/Access to Countryside.**



The proposed application site is currently overgrown with shrubs and is wooded containing a number of trees. This wooded area continues along Station Road and Laggary Park forming a larger Tree Preservation Order known as No. 8 Laggary. Part of the site is also scheduled Ancient Woodlands. Policy LP ENV 7 of the adopted Local Plan states that the Council will protect trees and resist development which is likely to have an adverse impact on them.

The trees are spread over the site and because of the driveway, dwellinghouse and garage, most of the trees within the site will need to be removed to make way for the development, with just the perimeter trees remaining.

A tree survey was undertaken to determine the condition of the trees on site. Of the 13 trees identified it was considered that 6 would have to be removed to make way for the proposals, and one should be felled as it is dead. Of all of the trees to be removed, none are in poor condition and in fact all are described as in fair or good condition. It is considered that these trees are an important feature of the area and contribute towards the character and amenity of the Conservation Area. Two trees in particular are of importance, these are a 16 metre high Common Lime and a 27 metre high Beech tree. In the tree survey these trees are described as Category B1 which means that they are of moderate quality and value and are in such a condition that they can make a significant contribution. Category B1 also means that these trees may have been included in the higher category had it not been for their slightly impaired condition. Regardless of their slightly impaired condition (one has a weak fork and the other has decay affecting a main fork), these trees are still considered to be able to make a significant contribution, with a minimum of 20 years suggested.

It is considered that the removal of these trees, especially the two identified above, cannot be justified. A Tree Preservation Order was placed on the site to ensure their protection and while in some instances, it may be appropriate to allow the removal of trees and their replanting, in this instance it cannot be justified. Even taking into account the amended layout proposed, while the two largest trees will not be removed, the proximity of the proposed dwellinghouse to these trees could mean that they were a nuisance, could undermine their root system and could potentially result in their loss as well. In addition, most of the trees and shrubs on site are to be removed and their replacement with a dwellinghouse, hard standing, fences and other associated suburban development would be visually intrusive, visually discordant and would not maintain or enhance the character of the area.

#### **D. Road Network, Parking and Associated Transport Matters.**

The proposed dwellinghouse will have a frontage onto Station Road and as such will take vehicular access from this point. This part of the site is bounded by a 2 metre high stone wall which continues southwards down Station Road. This is a traditional stone wall which would have been listed had Laggary House not been subdivided prior to it being listed. In order to facilitate the sightlines required by the Area Roads Manager, this wall will have to be taken down to one metre in height and slightly relocated. The wall will then be re-built using the downtakings from the existing wall. While it is considered that the wall does contribute to the character and appearance of the area, reducing the height of it at this location would not detrimentally affect the amenity of the area as this would be of a similar manner to the adjacent property.

#### **E. Infrastructure**

Scottish Water has no objections to the proposal.

**F. Conclusion.**

The development would result in the loss of protected trees which contribute to the character and appearance of the Conservation Area and this part of Rhu. The loss of the trees and shrubs and their replacement with a dwellinghouse, hard standing and other associated suburban development would be visually discordant and would not maintain or enhance the character of the conservation area. In addition, the existing character of Laggary Park is of large dwellings set within large garden areas around Laggary House, a Listed Building. Along this area of Station Road, the only other existing houses are long established, are associated with Laggary 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, amenity and settlement pattern of this area contrary to development plan policy.

Argyll and Bute Council  
Development & Regulatory Services

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:** 11/02051/PP

**Planning Hierarchy:** Local Application

**Applicant:** Argyll and Bute Council

**Proposal:** Resurfacing of existing footpath, installation of culvert and formation of further footpath link.

**Site Address:** Route Linking Cumberland Road and Aros Road/Smugglers Way Rhu

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## DECISION ROUTE

(i) **Local Government Scotland Act 1973**

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(A) **THE APPLICATION**

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

- Resurfacing of existing footpath, installation of culvert, formation of further footpath link and erection of 1.2 metre high post and wire fence.

(ii) **Other specified operations**

- None
- 

(B) **RECOMMENDATION:**

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

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(C) **HISTORY:**

None

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(D) **CONSULTATIONS:**

Area Roads Manager – (memo dated 05/01/2012) – No objections subject to conditions regarding maintaining the south-east sightline at the junction with Aros Road and the provision of advance warning signs.

Flood Alleviation Officer – (e-mail dated 05/12/2012) – Details of the proposed culvert are required which can be covered by condition

SEPA (letter dated 24/11/2011) – Object unless condition is attached requiring the submission of a Construction Method Statement (CMS). Also request that in regard to the construction of the culvert the applicant looks at installation of the splash plate and whether or not this is completely necessary.

*Comment: The submission of a Construction Method Statement can be covered by condition.*

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**(E) PUBLICITY:** Conservation Area advert (expiry date 09.12.2011)

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

**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** No
- 

**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

---

**(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 Structure Plan' 2002

STRAT DC 1 – Development within the Settlements  
STRAT DC9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 14 – Conservation Areas and Special Built Environment Areas  
LP ENV 19 – Development Setting, Layout and Design

LP COM 1 – Community Facility Development  
LP TRAN 1 – Public Access and Rights of Way  
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes  
LP TRAN 5 – Off-Site Highway Improvements  
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 applicant.**

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

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

Planning permission is sought for the upgrading of an existing footpath, installation of culvert and formation of a further footpath link. The application site is within the 'settlement' boundary and within the Rhu Conservation Area as defined by the adopted Local Plan. Within this Article 4 Conservation Area the Council's permitted development rights have been removed.

The site comprises, in part, an existing 182 metre long concrete slabbed footpath/cycle route. It currently runs from Cumberland Road past Rhu Amateur Football Club's pitch to a set of steps up onto Aros Road. The proposal involves resurfacing this existing section in asphalt concrete, providing a new 173 metre long, 2.5 metre wide extension within an existing field onto Aros Road and the installation of a 600mm culvert. Sundry operations include the erection of a 1.2 metre high stock proof post and wire fence, dropped kerbs at the carriageways at either end of the path (as extended) and the removal of some overhanging shrubbery.

It is considered that the scale and design of the proposed extension is acceptable and that it accords with Policy LP ENV 19 of the adopted Local Plan. Since the proposal involves an existing footpath/cycle path and the new section of footpath will be along the side of an existing field and will not be visible from the street then it will have little impact on the character or appearance of the Conservation Area. It is therefore considered that the proposal accords with Policy LP ENV 14 of the adopted Local Plan insofar as it would not be detrimental to the character and appearance of the conservation area.

Policy LP COM 1 presumes in favour of new and improved community facilities provided they fulfil a list of criteria including consistency with other policies within the Local and

Structure Plan and that they respect the townscape character of the surrounding area. It is considered that the proposal accords with this policy.

Policies LP TRAN 1, LP TRAN 4 and LP TRAN 5 are also applicable. Policy LP TRAN 1 requires that development proposals should safeguard public rights of way, core paths and important public access routes. Policy LP TRAN 4 sets out guidance on new and existing public roads and private access regimes. Finally, Policy LP TRAN 5 requires improvements to sections of the public or private road network where development proposals will significantly increase vehicular or pedestrian traffic on substandard private or public approach roads. In terms of road safety, the Area Roads Manager has no objections subject to retention of the south-east sightline at the junction with Aros Road and the provision of advance warning signs in both directions at the approach with the junction of Aros Road. The Flood Alleviation Officer has indicated no objections subject to agreement of the details of the proposed culvert. Similarly, SEPA have no objections subject to the submission of a Construction Method Statement. Both the concerns of the Flood Alleviation Officer and the Area Roads Manager can be covered by condition.

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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**

The proposed improvement and extension of the existing footpath/cycle path is acceptable and accords with policies set out within the Development Plan. It is in accordance with Policies STRAT DC 1 and STRAT DC 9 of the 'Argyll and Bute Structure Plan' as well as Policies LP ENV 1, LP ENV 14, LP ENV 19, LP COM 1, LP TRAN 1, LP TRAN 4 and LP TRAN 5 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:** 05/01/2012

**Reviewing Officer:** Richard Kerr

**Date:** 06/01/2012

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/02051/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 21/10/2011 and the approved drawing reference numbers 654/10/04/001, 654/10/04/002, 654/10/04/003, 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. Prior to works commencing on site, a site specific Construction Method Statement (CMS), shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

*Reason: To control pollution of air, land and water.*

3. Prior to works commencing on site, details of the proposed culvert shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. Thereafter the proposed culvert shall be installed and operational prior to the refurbished and extended footpath hereby approved being completed or brought into use.

*Reason: To ensure that the drainage of the site and adjoining land is not affected and that existing watercourses are not polluted or otherwise adversely affected.*

4. The south-east sightline at the junction of Aros Road should be maintained at a standard of 2.4 metres x 42.0 metres and shall be kept clear of all obstructions in excess of 1.05 metres in height in perpetuity.

*Reason: In the interests of road safety.*

5. Prior to works commencing on site, details of advance warning signs to be erected in both directions at the approach with the junction on Aros Road shall be submitted to and approved in writing by the Planning Authority. The signs should be in accordance with the Traffic Signs Regulations and General Directions 2002 and the locations agreed with the Network Manager. Thereafter, the agreed signs shall be erected prior to the refurbished and extended footpath hereby approved being completed or brought into use.

*Reason: In the interests of road safety.*

**NOTES TO APPLICANT**

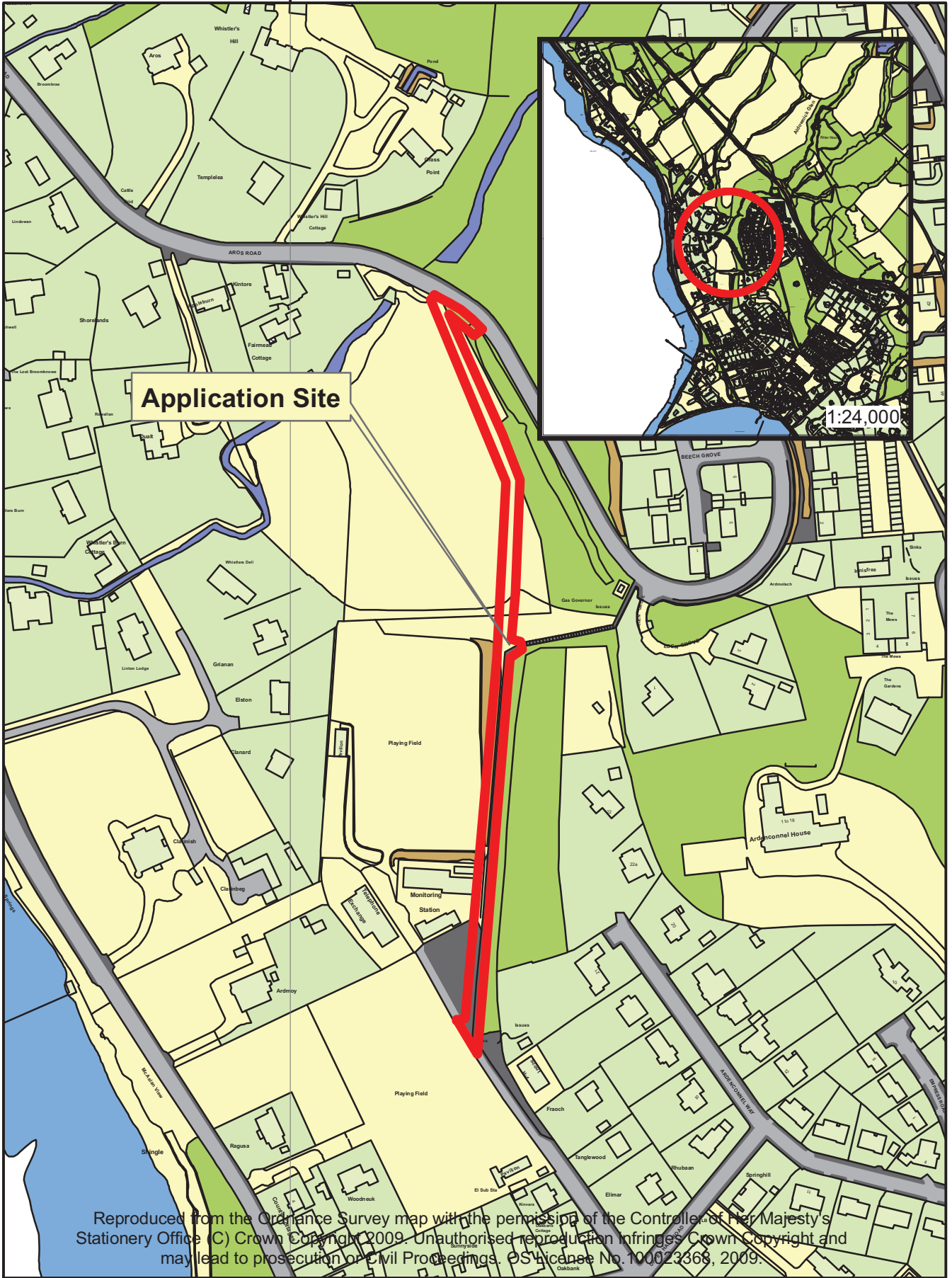
1. **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
2. In order to comply 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.

4. Please note the comments from SEPA contained in their attached letter dated 24 November 2011.



226600



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226600



**Location Plan relative to  
Application Ref: 11/02051/PP**

Date: 18.01.2012

Scale: 1:2,500



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Argyll and Bute Council  
Development Services

**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**

---

**Reference No:** 11/02227/PP

**Planning Hierarchy:** Local Application

**Applicant:** Gareloch View Ltd

**Proposal:** Change of use from public toilet to café with associated terrace/play area

**Site Address:** Kidston Park Public Convenience, 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**

Change of use from public toilet to café (Class 3) with associated terrace/play area

##### **(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)

07/01376/COU- Part Change of Use of carpark to site mobile snack caravan from 0700 to 2000 (withdrawn)

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#### **(D) CONSULTATIONS:**

Area Roads Manager - letter dated 19/12/11 – No objections

Scottish Water – letter dated 24/11/11 – No objections

Protective Services - letter dated 16/12/11- No objection in principle, however, further details require to be submitted to satisfy environmental health requirements

Helensburgh Community Council – letter dated 19/12/11

The HCC Planning group would welcome and support the improvement of Kidston Park by way of sympathetic development that offers a balance of functional usefulness the community deserves coupled to design that adds value to the town.

Suggestions for the design of the cafe include making the building have a lighter feel, more in line with a true modernist solution that still uses the rectilinear building form. The roofline could be projected with a delicate edge, glazing could be enlarged and materials could be individualist e.g. Using stainless steel details or having a hardwood timber cladding made from narrower than standard sections to give the building distinction.

This letter is not a formal objection to the proposal, but a plea to build in some design merit to an otherwise sound idea with a well thought out functional use offering a facility that **could** enhance and add value to this landmark area of Helensburgh.

---

**(E) PUBLICITY:**

LREG20 - Regulation 20 Advert Local Application (expiry date 23/12/11)

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**(F) REPRESENTATIONS:**

Ten letters of objection from eleven individuals have been received from the following.

Mr H Mance 7 Cumberland Avenue, Helensburgh, G84 8QE (letter dated 06/12/11)

Mrs J Mance 7 Cumberland Avenue, Helensburgh, G84 8QE (letter dated 06/12/11)

M Spiers 15 Kidston Drive, Helensburgh, G84 8QE (letter received 13/12/11)

James Anderson 22 Kidston Drive, Helensburgh, G84 8QB (letter dated 19/12/11)

Jane Anderson 22 Kidston Drive, Helensburgh, G84 8QB (letter dated 19/12/11)

Mr & Mrs Endersby 17 Kidston Drive, Helensburgh (16/12/11)

Mrs Margery Douglas, Auchenhew, 20 Kidston Drive, Helensburgh, G84 8QB (letter dated 19/12/2011)

Kim Beadle, 22 Machrie Drive, Helensburgh, G84 9EJ (letter dated 16/12/2011)

Bill Millar, Sandown, 21 Kidston Drive, Helensburgh, G84 8QB (letter dated 15/12/2011)

James Blades, Dalfruin, 23 Kidston Drive, Helensburgh, G84 8QB (letter received 28/12/2011)

The points raised and responses are summarised overleaf:

1. The facility will have a detrimental effect of encouraging additional litter.

*Comment: A Class 3 use is ostensibly for the consumption of food and drink on the premises, although a small element of takeaway hot food and drink is normally acceptable if it remains at a scale ancillary to the main use as a café. The unauthorised deposition of litter is covered by separate legislation.*

2. The development would result in extra traffic at the entrance and departing Kidston Park. In addition, commercial traffic taking advantage of the take-away facilities will require to break the by-law displayed at the car park entrance excluding them from parking there or else park in nearby roads.

*Comment: Given the scale of the operation proposed, it is not considered that there will be significant increase in traffic which would detrimentally affect the overall amenity of residents some distance to the north. The Area Roads Manager has no objection to the proposal. The issue of any by-laws and their enforcement is dealt with under separate legislation and is not a material planning consideration in the assessment of this application.*

3. There is an abundance of cafes in Helensburgh and this is an unnecessary facility, the car park is used for tourists and walkers to contemplate and it would be more beneficial to upgrade the existing toilets as there is a lack in Helensburgh.

*Comment: Cafe facilities are not an uncommon feature in municipal parks and can be an attraction to help sustain recreational use of such areas. Public toilets would be retained in the new facility as part of its overall redevelopment*

4. The development will devalue property and is a bad neighbour development.

*Comment: Consequences for the value of property are not material planning considerations and the use proposed does not fall within the definition of 'bad neighbour' development (although incidentally, the existing use as a public convenience does).*

5. The Council does not own the area to the west which is where the proposed decking will be built.

*Comment: The application has been submitted following the service of Notice upon the Council's Estates Department. Any dispute as to the extent of the Council's title would not be a material planning consideration.*

6. This development does not fit in with the terms of gift of the land from Captain Kidston.

*Comment: This is not a material planning consideration*

7. The development will increase the level of noise from the car park.

*Comment: Environmental Health have not identified any amenity concerns associated with the use proposed.*

8. Current by-laws displayed at the car park entrance exclude commercial vehicles from the car park. New legislation is therefore required to enable cafe deliveries to be made.

*Comment: This is not a material planning consideration*

9. The erection of illuminated sign will be to the detriment of the natural beauty of the area.

*Comment: The erection of any illuminated signage would require to be the subject of a separate Advertisement Consent application.*

10. The takeaway window is directly opposite houses which will encourage litter and excessive through traffic. It is unclear what the second takeaway window overlooking the water is to be used for.

*Comment: It is considered that a cafe with an ancillary takeaway element in this location (some 70m. from the nearest dwelling), would not lead to an unacceptable loss in any amenity in the surrounding area. The takeaway hatch on the west elevation looking out towards the waterside is proposed to be used as a secondary hatch only in the summer and is not intended to be used on a daily basis.*

11. There is no detail on location of bins.

*Comment: Further details have been requested. Alternatively, this can be covered by a suspensive condition (as currently recommended).*

12. The rear terrace needs to be secured or vacated when the cafe is closed or it will encourage the location for underage drinking and drugs. There are already noise issues in the car park.

*Comment: Security is a matter for the applicant. Anti-social activity is a matter for the Police. Environmental Health have indicated no objections.*

13. Height restrictors and parking barriers should be placed which would be operated to the same hours of the cafe.

*Comment: No such need has been identified by the Area Roads Manager*

14. A license to sell alcohol could be applied for.

*Comment - The sale of alcohol ancillary to the Class 3 cafe use would be subject to a license being granted. The consideration of any application would be the responsibility of the Council in its capacity as licensing authority rather than as planning authority.*

15. There can be no external music or additional lighting of the car park.

*Comment: Environmental Health have not identified the need for any conditions to address these amenity concerns.*

16. If cooking were to take place on the premises we could be subject to unsavoury smells.

*Comment: Further details of a proprietary extraction system have been requested by condition which will be required to be installed prior to the use commencing.*

17. Concerns over opening hours.

*Comment: Environmental Health have not identified the need for any conditions to control hours of operation in the interests of amenity.*

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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
- 

**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** No
- 

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

- (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 BAD 1- Bad Neighbour Development  
LP TRAN 6 – Vehicle Parking Provision  
LP REC 2- Safeguarding of Recreational Land and important Open Spaces

Appendix A – Sustainable Siting and Design Principles  
Appendix C – Access and Parking Standards

- (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
- 

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

**(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):** The proposal is considered consistent with the development plan. It is not considered that the eleven objectors warrant a discretionary hearing being held, as the issues raised are fully addressed in the report and a hearing would not add value to the process.

---

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

Planning permission is sought for the change of use of public toilets to a café within Kidston Park, Helensburgh. Public toilets would be retained in the new facility as part of its overall redevelopment.

The existing toilet block is of basic design and finished with red facing brick and a flat roof. It is proposed that public toilets would be retained in the new facility as part of its overall redevelopment. In terms of design, externally the cafe comprises a new zinc fascia, horizontal timber cladding with zinc panels and new timber windows. To the front, the west elevation will have a terrace for outdoor seating and a toddler's play area added. To the rear, the east elevation will have one of the two takeaway hatches which will be screened with additional planting and timber screening. The takeaway hatch on the west elevation looking out towards the waterside is only intended to be used as a secondary hatch only in the summer rather than on a daily basis. The design is considered acceptable at this location and in the context of the appearance of this existing building. Separate Advertisement Consent will be required for external signage.

It is considered that a café in this location would be a positive addition to the facilities at Kidston Park and would contribute to the overall attraction of the park and encourage more recreational and tourist activity. Neither Roads nor Environmental Health have indicated any objections on road safety or amenity grounds.

It is considered that the proposal is an acceptable use within Kidston Park and complies with development plan policy.

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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 a café in this location would be a positive addition to the facilities at Kidston Park and would contribute to the overall attraction of the park and encourage more recreational and tourist activity. Neither Roads nor Environmental Health have indicated any objections on road safety or amenity grounds. 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, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan. There are no other material considerations, including the views expressed by third parties, which would warrant



anything other than permission being granted in accordance with the provisions of the development 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:** Morag Jardine

Date: 16/12/2011

**Reviewing Officer:** Howard Young

Date: 30/12/2011

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

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/02227/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 23/11/11 and the approved drawing reference 1/6, 2/6, 3/3, 4/3, 5/6 and 6/6 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. The use hereby permitted shall not be commenced until a fume extraction system incorporating odour control has been installed on the premises in accordance with a scheme to be submitted to and approved in writing, in advance, by the Council as Planning Authority. Thereafter the duly approved system shall be operated and maintained in accordance with manufacturers' instructions.

Reason: In order to control cooking odours in the interests of the amenity of the area '

3. The use hereby permitted shall not be commenced until details of the intended number, type and location of waste bins to serve the development have been submitted to and approved in writing, in advance, by the Council as Planning Authority, and the duly approved provision has been installed. Thereafter the duly approved provision shall be retained to serve the approved use..

*Reason: In order to ensure adequate provision for the collection of waste arising from the use proposed in the interests of 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.

**A. Settlement Strategy**

The application site is within the settlement boundary for Helensburgh 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 also lies within a designated Open Space Protection Area (OSPA) subject to the effect of Policy LP REC 2. This policy, *inter alia*, presumes against the development or redevelopment of OSPAs. Development 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 application relates to the retention and re-use of an existing structure, with ancillary use of an adjoining external area for seating and childrens' play. The proposal supports the use of the park as a recreational facility. The proposed external area is small in terms of the size of the park and its occupation by park users will support recreational use will be a positive addition to park facilities and will not compromise the purpose of the OSPA designation. The proposal is therefore consistent with Policy LP REC 2.

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

The proposed café would be located within an existing public toilet block which is currently still open to the public. There are no other buildings in Kidston Park. The primary aim of the café would be to provide a service to the visitors of Kidston Park. Public toilets would be retained in the new facility as part of its overall redevelopment.

The existing toilet block is of basic design and finished with red facing brick and a flat roof. It is proposed that public toilets would be retained in the new facility as part of its overall redevelopment. In terms of design, externally the cafe comprises a new zinc fascia, horizontal timber cladding with zinc panels and new timber windows. To the front, the west elevation will have a terrace for outdoor seating and a toddler's play area added. To the rear, the east elevation will have one of the two takeaway hatches which will be screened with additional planting and timber screening. The takeaway hatch on the west elevation looking out towards the waterside is only intended to be used as a secondary hatch only in the summer rather than on a daily basis. The design is considered acceptable at this location and in the context of the appearance of this existing building. Separate Advertisement Consent will be required for external signage.

As such it is considered that the proposed change of use would be in accordance with the provisions of Policy LP ENV 1 – Impact on the General Environment and LP ENV 19 – Development Setting, Layout and Design.

In terms of Policy LP TRAN 6 - Vehicle Parking Provision, the Area Roads Manager has no objection to the proposal with regards to on-site parking or to traffic flow onto the surrounding road network.

In terms of its location within Kidston Park, it is not considered that the proposal would lead to any unacceptable loss of amenity by reason of noise or disturbance to adjoining residential areas. The nearest dwelling is approximately 74m from the site boundary. Environmental Health have indicated no objections to the proposal. The proposed use as

a café does not fall within the definition of 'bad neighbour' development, although the current use of the building as public conveniences does amount to such.

A café 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 recreational and tourist activity. It is not considered that the development will give rise to any significant detrimental impact upon surrounding residential property in terms of amenity, parking or traffic considerations.

The proposal is an appropriate use for the building in question and the associated external area proposed is an acceptable ancillary facility which will support the use in question and the use of the park as a whole. The proposal is considered consistent with policies LP ENV 1, LP ENV 19, LP REC 2, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan.

**C. Road Network, Parking and Associated Transport Matters.**

The Area Roads Manager has been consulted regarding this application. It is not considered that the proposal would give rise to parking, traffic or road safety concerns. No objection has been raised and no conditions recommended.

**APPENDIX TO DECISION APPROVAL NOTICE**

Appendix relative to application – 11/02227/PP

- 
- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

N

- 
- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

N

- 
- (C)** The reason why planning permission has been approved.

It is considered that a café in this location would be a positive addition to the facilities at Kidston Park and would contribute to the overall attraction of the park and encourage more recreational and tourist activity. Neither Roads nor Environmental Health have indicated any objections on road safety or amenity grounds. 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, LP TRAN 6, Appendix A and Appendix C of the Argyll and Bute Local Plan. There are no other material considerations, including the views expressed by third parties, which would warrant anything other than permission being granted in accordance with the provisions of the development plan.

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## Location Plan relative to Application Ref: 11/02227/PP

Date: 21.12.2011

Scale: 1:1,250



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**Argyll and Bute Council  
Development & Regulatory Services**

**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**

---

**Reference No:** 11/02357/PP

**Planning Hierarchy:** Local Application

**Applicant:** Argyll and Bute Council Community Services

**Proposal:** Erection of extension

**Site Address:** Hermitage Primary, 11 East Argyle Street, Helensburgh

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**DECISION ROUTE**

**(i) Local Government Scotland Act 1973**

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**(A) THE APPLICATION**

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

- Erection of extension

**(ii) Other specified operations**

- None

---

**(B) RECOMMENDATION:**

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

---

**(C) HISTORY:**

06/02462/CPD - Refurbishment of existing flat/pitched roofs, including new vertical panelling and new high level windows to gym – Permitted development 29.01.2007

07/02278/CPD - Re-render external walls and install replacement windows – Permitted development 21.04.2008

08/00225/CPD - Install replacement windows – Permitted Development 26.02.2008

08/00279/CPD - Re-render external walls – Permitted development 26.02.2008

09/01497/PP - Change of use of land to Outdoor Learning Area, for use by pupils of Hermitage Primary School and Parklands Special School, and erection of perimeter fencing – Permitted 21.01.2010

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**(D) CONSULTATIONS:**

Area Roads Manager (memo dated 15/12/2011) – No objections

Environmental Health (memo dated 15/12/2011) – No objections

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**(E) PUBLICITY:** Listed Building/Conservation Advert (expiry date 06.01.2012)

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**(F) REPRESENTATIONS:**

One letter of representation has been received from the following:

Mr Andrew MacIntosh, 56 Grant Street, Helensburgh (e-mail dated 08/12/2012)

**(i) Summary of issues raised**

The proposal for the school extension itself looks a good addition, however the application does not say what will happen to the annex building should the plans be approved.

*Comment: The annex building is not included within the application site. It is not a material planning consideration what this annex will be used for.*

---

**(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
- 

**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** No
- 

**(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** No

---

**(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 Structure Plan' 2002

STRAT DC 1 – Development within the Settlements  
STRAT DC9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 14 – Conservation Areas and Special Built Environment Areas  
LP ENV 19 – Development Setting, Layout and Design  
LP COM 1 – Community Facility Development  
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)

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

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

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

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

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

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

Planning permission is sought for the erection of an extension to the rear of Hermitage Primary School, Helensburgh. This school is located within the Upper Helensburgh Conservation Area as defined by the adopted Local Plan.

The school is a large, modern, single storey, rectangular plan building and it has a traditional detached annex building to the north east of the site. This annex does not form part of the application. This annex is currently used for music and drama classes, but due to water ingress can no longer be used for this purpose. An extension to the main building is therefore required to house these facilities as well as two additional classrooms. The existing school building has a shallow pitched roof with a flat roof section to the centre rear of the building. It is at this location that the proposed extension will be sited. The main part of the extension will have a hipped roof, with a flat roofed section joining onto the existing building. It will have a floor area of approximately 264 square metres and will be finished in materials to complement the existing building. The site rises slightly upwards from north to south and as such some excavation will be

required. This will mean that landscaping will be required around the retaining wall. A recommended condition addresses this.

It is considered that the scale and design of the proposed extension is acceptable and that it accords with Policy LP ENV 19 of the adopted Local Plan. It is also considered that the proposal accords with Policy LP ENV 14 of the adopted Local Plan insofar as it maintains the character of the conservation area by virtue of being to the rear of this modern building where it will not be visible from the street and where it will therefore have little impact on the appearance of the conservation area.

As this is a school building Policy LP COM 1 is applicable. This policy presumes in favour of new and improved community facilities provided they fulfil a list of criteria including consistency with other policies within the Local and Structure Plan and that they respect the townscape character of the surrounding area. It is considered that the proposal accords with this policy.

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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**

The proposed extension is acceptable and accords with policies set out within the Development Plan. It is in accordance with Policies STRAT DC1 and STRAT DC9 of the Argyll and Bute Structure Plan as well as Policies LP ENV 1, LP ENV 14, LP ENV 19 and LP COM 1 of the Argyll and Bute Local Plan.

---

**(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:** Stephanie Spreng

**Date:** 15/12/2011

**Reviewing Officer:** Howard Young

**Date:** 22/12/2011

**Angus Gilmour**

**Head of Planning & Regulatory Services**

**CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 11/02357/PP**

1. The development shall be implemented in accordance with the details specified on the application form dated 24/11/2011 and the approved drawing reference numbers L(00)001, L(00)002, L(00)003, L(00)004 and L(00)005 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. Development shall not begin until details of a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- i) location and design, including materials, of walls, fences and gates
- ii) soft and hard landscaping works, including the location, type and size of each individual tree and/or shrub
- iii) programme for completion and subsequent on-going maintenance.

All the hard and soft landscaping works shall be carried out in accordance with the scheme approved in writing by the Planning Authority. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of the development unless otherwise agreed in writing with the Planning Authority.

Any trees or plants which within a period of ten years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species, unless otherwise agreed in writing with the Planning Authority.

*Reason: To ensure the implementation of a satisfactory scheme of landscaping*

#### NOTES TO APPLICANT

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 TO DECISION APPROVAL NOTICE

Appendix relative to application **11/02357/PP**

- 
- (A)** Has the application required an obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended)?

No

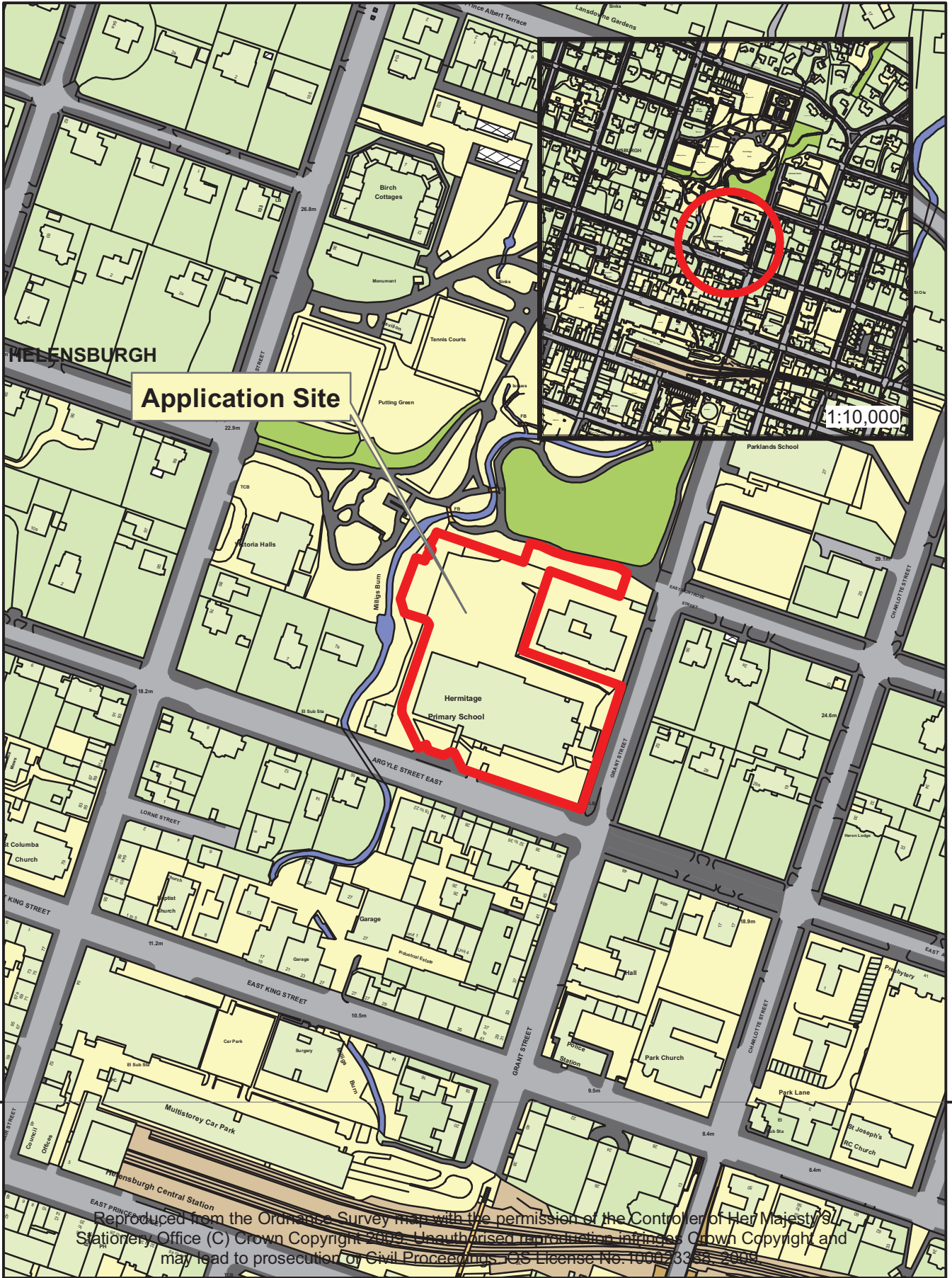
- (B)** Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No

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- (C)** The reason why planning permission has been approved.

The proposed extension is acceptable and accords with policies set out within the Development Plan. It is in accordance with Policies STRAT DC1 and STRAT DC9 of the Argyll and Bute Structure Plan as well as Policies LP ENV 1, LP ENV 14, LP ENV 19 and LP COM 1 of the Argyll and Bute Local Plan.



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**Location Plan relative to  
Application Ref: 11/02357/PP**

Date: 18.01.2012

Scale: 1:2,500



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