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

Customer Services
Executive Director: Douglas Hendry



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604435
DX 599700 LOCHGILPHEAD

18 June 2013

SUPPLEMENTARY PACK 2

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - COUNCIL
CHAMBERS, KILMORY, LOCHGILPHEAD on WEDNESDAY, 19 JUNE 2013 at 10:45 AM**

I enclose supplementary reports for items 6 and 7 which were not included on the Agenda for the above Meeting.

SUPPLEMENTARY REPORTS

- 6. RHU MARINA MASTERPLAN REPORT**
Report by Head of Planning and Regulatory Services (Pages 1 - 2)
- 7. GSS: CHANGE OF USE OF LAND FOR THE TEMPORARY SITING OF A
MODULAR BUILDING (OFFICE ACCOMMODATION) WITH ASSOCIATED
PARKING, 2 CONTAINERS, WELFARE FACILITIES AND INSTALLATION OF
PONTOONS: RHU MARINA, PIER ROAD, RHU (REF: 12/01696/PP)**
Report by Head of Planning and Regulatory Services (Pages 3 - 8)

PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE

Councillor Sandy Taylor (Chair)	Councillor Gordon Blair
Councillor Rory Colville	Councillor Robin Currie
Councillor Mary-Jean Devon	Councillor George Freeman
Councillor Fred Hall	Councillor David Kinniburgh
Councillor Iain MacDonald	Councillor Alistair MacDougall
Councillor Robert Graham MacIntyre	Councillor Donald MacMillan
Councillor Alex McNaughton	Councillor James McQueen
Councillor Richard Trail	

Contact: Fiona McCallum

Tel. No. 01546 604392

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DEVELOPMENT AND INFRASTRUCTURE SERVICES**PLANNING PROTECTIVE SERVICES AND LICENSING COMMITTEE****19th June 2013****RHU MARINA MASTERPLAN - SUPPLEMENTARY REPORT NO. 1****1. SUMMARY**

Rhu Marina is designated in the current adopted Local Plan as Potential Development Area (PDA) 3/29. Under this designation a masterplan is required as part of the determination of any application for all or part of the site. Members will consider separately an application, reference 12/01696/PP, by GSS at Rhu Marina for the change of use of land for the temporary siting of a modular building (office accommodation) with associated parking, 2 containers, welfare facilities and installation of pontoons. A masterplan for the PDA has been submitted and a report on this will be considered as part of the Committee Agenda.

2. INTRODUCTION

Members' attention is drawn to the report dated 29th May 2013 that is currently before them for consideration.

I would advise that there were a number of objections received not included in the original report. These primarily support the observations and objections of Rhu and Shandon Community Council and do not raise any additional issues not covered in the original report other than the role of the Council's Built Heritage Conservation Officer. The objectors are set out below. Also set out below is an additional representation and comments from Councillor Aileen Morton.

3. OBJECTORS

Dr Jean Cook, Inverallt, Shandon, Helensburgh (e-mail dated 23/04/13)
Brian Cook, Inverallt, Shandon, Helensburgh (e-mail dated 23/04/13)
Yvonne Leslie, Seefels, Pier Road, Rhu (e-mail dated 21/04/13)
Jane Nicholson, Torwood Cottage, Pier Road, Rhu (e-mail dated 21/04/13)
Richard Erskine, Budore, Pier Road, Rhu (e-mail dated 21/04/13)
Maud Tait, Tigh Na Craig, Pier Road, Rhu (e-mail dated 21/04/13)

The Council's Built Heritage Conservation Officer has been asked by a number of objectors if she will be commenting on the GSS application and the masterplan.

Comment: In terms of the GSS application it was not considered that the Built Heritage Conservation Officer's input was required in this instance. This was on the basis that the application is for a temporary permission for a building contained within a larger brownfield site which is a working marina. The application is assessed against development plan policy and other material considerations. As such it is considered that it will have a minor and temporary impact on the wider Conservation Area. With regard to the masterplan, at this stage we are dealing with a masterplan which sets a theoretical overview for the whole site. It has sufficient detail for this purpose but will require additional information when a planning

application for redevelopment is submitted. It is at that stage that the Council's Built Heritage Conservation Officer's input will give added value to the process.

4. FURTHER REPRESENTATIONS

Mrs Pat Pollock-Morris, 4 Cumberland Avenue, Helensburgh (e-mail dated 10/04/13)

Having seen the masterplan and to encourage development of the site for marina-based activities would now like to withdraw objection on the basis that temporary should be time limited and enforced, the containers removed, the site restored and minimal disturbance to neighbours.

Comment: The comments are noted.

Councillor Aileen Morton (e-mails dated 17th June 2013)

Expresses concern about the delivery of affordable housing and stresses that on site provision is preferred. She highlights that the LDP outlines a sequential approach with the caveat that the first option is onsite and the developer **must prove** that's not an appropriate option before any other option is considered.

Comment: Our preference is always that the affordable element is located on site. The number of affordable units required is potentially going to be relatively small at 5 No. so at the time of a full application we shall be seeking robust arguments from the landowner should they wish to pursue their current preference of off-site affordable provision or a commuted sum payment. The onus is still very much on the developer to prove this case at a time when a market has been identified, finance is in place and planning application is submitted.

5. RECOMMENDATION

Members are asked to note the information above which does not affect the recommendation contained within the report dated 29th May 2013.

IMPLICATIONS

Policy: None

Financial: None

Personnel: None

Equal opportunities: None

Author of Report: Howard Young 01436 858888

Date: 18th May 2013

Reviewing Officer: Ross McLaughlin

Date: 18th June 2013

Angus Gilmour
Head of Planning and Regulatory Services

**Argyll and Bute Council
Development & Infrastructure**

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: 12/01696/PP

Planning Hierarchy: Local

Applicant: GSS

Proposal: Change of use of land for the temporary siting of a modular building (office accommodation) with associated parking, 2 containers, welfare facilities and installation of pontoons.

Site Address: Rhu Marina, Pier Road, Rhu

SUPPLEMENTARY REPORT NO. 1

INTRODUCTION

Members' attention is drawn to the report dated 29th May 2013 that is currently before them for consideration.

I would advise that there were a number of objections received not included in the original report. These primarily support the observations and objections of Rhu and Shandon Community Council and do not raise any additional issues not covered in the original report other than the role of the Council's Built Heritage Conservation Officer. The objectors are set out below. Also set out below are additional representations.

Objectors

J T P Brownrigg, Ardentigh, Glenoran Road, Rhu (letter dated 22/04/13)

Craig Leslie, Seefels, Pier Road, Rhu (e-mail dated 21/04/13)

Yvonne Leslie, Seefels, Pier Road, Rhu (e-mail dated 21/04/13)

Geoffrey Kitt, The Briars House, Shandon (e-mail dated 21/04/13)

Dorothy Donaldson, 9 Cumberland Terrace, Rhu (letter dated 20/04/13)

Donald Donaldson, 9 Cumberland Terrace, Rhu (letter dated 19/04/13)

Margaret A MacKenzie, 8 Cumberland Terrace, Rhu (letter dated 18/04/13)

Mrs Janna Campbell, 2 The Gables, Shandon (e-mail dated 22/04/13)

Alasdair Duncan, Shoreacres, Artarman Road, Rhu (e-mail dated 22/04/13)

Fiona Baker, Hillcroft, Station Road, Rhu (letter dated 24/04/13)

Andrew Gemmell, The Cottage, Glenoran Road, Rhu (e-mail dated 24/04/13)

Mrs Patricia Low, 2 Ardgare, Shandon (e-mail dated 23/04/13)

Graham Miller, 5 Woodstone Court, Pier Road, Rhu (e-mail dated 23/04/13)

Kenneth Thom, The Flats, Laggary House, Rhu (e-mail dated 23/04/13)

T C Lamb, Rhu Cottage, Ferry Road, Rhu (letter dated 23/04/13)

Brian and Ruth Fleming, Abergare, Ferry Road, Rhu (letter dated 22/04/13)

Trevor McKay, Ardenmohr, Pier Road, Rhu, Helensburgh (e-mail dated 20/04/13)

Sheriff Simon Pender, Kentara, Pier Road, Rhu (e-mail dated 22/04/13)

Craig Jackson, Ingleby Green, Artarman Road, Rhu, Helensburgh (e-mail dated 22/04/13)

Mary Jackson, Ingleby Green, Artarman Road, Rhu, Helensburgh (e-mail dated 22/04/13)

Michael McAulay, Old Court, Artarman Road, Rhu, Helensburgh (e-mail dated 23/04/13)

Dr Jean Cook, Inverallt, Shandon, Helensburgh (e-mail dated 23/04/13)

Brian Cook, Inverallt, Shandon, Helensburgh (e-mail dated 21/04/13)

Yvonne Leslie, Seefels, Pier Road, Rhu (e-mail dated 21/04/13)

Jane Nicholson, Torwood Cottage, Pier Road, Rhu (e-mail dated 21/04/13)

Richard Erskine, Budore, Pier Road, Rhu (e-mail dated 21/04/13)

Maud Tait, Tigh Na Craig, Pier Road, Rhu (e-mail dated 21/04/13)

The Council's Built Heritage Conservation Officer has been asked by a number of objectors if she will be commenting on the GSS application and the masterplan.

Comment: It was not considered that the Built Heritage Conservation Officer's input was required in this instance. This was on the basis that the GSS application is for a temporary permission for a building contained within a larger brownfield site which is a working marina. The application is assessed against development plan policy and other material considerations. As such it is considered that it will have a minor and temporary impact on the wider Conservation Area. With regard to the masterplan, at this stage we are dealing with a masterplan which sets a theoretical overview for the whole site. It has sufficient detail for this purpose but will require additional information when a planning application for

redevelopment is submitted. It is at that stage that the Council's Built Heritage Conservation Officer's input will give added value to the process.

Further Representations

Mrs Pat Pollock-Morris, 4 Cumberland Avenue, Helensburgh (e-mail dated 10/04/13)

Having seen the masterplan and to encourage development of the site for marina-based activities would now like to withdraw objection on the basis that temporary should be time limited and enforced, the containers removed, the site restored and minimal disturbance to neighbours.

Comment: The comments are noted.

Dr Jean Cook, Inverallt, Shandon, Helensburgh (e-mail dated 17 June 2013)

I think there are about 18 objectors who have been missed off your list on the GSS application.

Comment: Additional objections not included in the original report are set out above.

E-mail from Jim Duncan, Shoreacres, Artarman Road, Rhu, Helensburgh

The report makes the following statement:-

*"Legislation specifically provides that in determining an application for development in a conservation area there is a statutory duty **'to pay special attention to the desirability of preserving or enhancing the character of a conservation area'**. Case law has established that this amounts to a duty to only approve those developments which either enhance or which have a neutral effect upon the designated area. Proposals which erode the character of a conservation area by being detrimental in terms of scale, siting, design or materials should be refused. This position is reflected in Local Plan Policy LP ENV 14."*

The above statement is countered by the following assessment which is used repeatedly throughout the report.

"The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property....."

This assessment is not correct and would be very misleading to members of the PPSLC who are unfamiliar to the area. The proposed development is only 50 metres from (and in full view of) the nearest residential properties. It would also be in full view of the A 814 and be one of the first visual aspects of the Conservation Area when approached from the east.

Comment: The assessment states that the application is being recommended as a 'minor departure' from development plan policy. The 110 metres is based on the distance from the nearest residential building (not the curtilage) to the edge of the site edged red. See also my assessment in the original report.

The report confirms that the proposed development "does not preserve or enhance the character and amenity of the surrounding area."

The Rhu & Shandon Community Council submission states:-

"The proposal introduces a potentially ugly development into a conservation village and better provision should be made to screen or improve its appearance, even if it is temporary."

I would like to request that any recommendation to approve this application should be amended to include:-

- 1 That it is only 50 metres from residential properties.
- 2 Approval should be conditional on sensitive screening. (as requested by Rhu & Shandon Community Council)

Comment: No screening was proposed as the application is for a temporary permission for a building within a larger brownfield site which is a working marina and where any screening is on the boundary rather than associated with each building and use within the marina complex. The nature of the ground means it would be difficult to cultivate landscaping. However, as it is a temporary building for a temporary period, planters would be appropriate and this can be covered by an additional condition if Members are minded to approve. A suggested condition (Condition 6) is attached overleaf.

RECOMMENDATION:

Members are asked to note the information above which, subject to a condition regarding screening, does not affect the recommendation contained within the report dated 29th May 2013.

Author of Report: Howard Young

Date: 18th June 2013

Reviewing Officer: Ross McLaughlin

Date: 18th June 2013

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION 12/01696/PP

1. This permission shall endure for the benefit of the applicants only and is for a period of two years from the date of this consent. Thereafter, the buildings hereby approved shall be removed and the site returned to its original condition within three months from the date the permission ends.

Reason: In order to define the terms of the consent and in the interests of amenity.

2. The development shall be implemented in accordance with the details specified on the application form dated 06/08/2012 and the approved drawing reference numbers L000, Location Plan, L001, Site Plan, L002, Proposed Plan and Elevations, Plan 4 Pontoon Plan and Elevations, Plan 5 Container Specification, Plan 6 Fence Detail, Plan 7 Swing Gates, Plan 8 Elevation of Security Fence 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.

3. Development shall not begin until samples of materials to be used (on external surfaces of the buildings and/or in construction of hard standings/walls/fences) have 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.

4. All surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual for Scotland and Northern Ireland (2000) unless otherwise agreed with the planning authority. Details and specifications of the treatment of surface water shall be submitted for the written approval of the planning authority prior to the commencement of works which shall be implemented in accordance with the duly approved details.

Reason: To ensure that an acceptable scheme of surface water drainage is implemented.

5. Prior to work commencing on site details of finished floor levels of the cabin, which should be above the 1 in 2 year water level including freeboard of 600mm added, and an evacuation plan shall be submitted to and approved in writing by the Planning Authority.

Reason: To ensure the development will not be detrimentally affected by flooding.

6. Prior to works commencing on site, details of screen planting shall be submitted to and agreed in writing by the Planning Authority. Thereafter the agreed screen planting shall be implemented prior to the development hereby approved being occupied or brought into use.

Reason: To ensure the implementation of a satisfactory scheme of screening required in order to integrate the proposals with its surroundings

NOTES TO APPLICANT

1. 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.

2. 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.
3. Please note that the Area Roads Manager has no objections subject to parking provision being available prior to the business opening.