

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: 15/02729/PP

Planning Hierarchy: Local Application

Applicant: Ministry of Defence

Proposal: Resurfacing of existing sports pitch, installation of floodlights and wire perimeter fence

Site Address: Playing Field North of Monitoring Station Cumberland Road, Rhu

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Resurfacing of existing sports pitch from grass to synthetic 3G surface
- Installation of 8 x 15 metre high floodlights
- Erection of wire perimeter fence varying from 4 metres to 6 metres in height
- Installation of a vehicular passing place

(ii) Other specified operations

- **None**
-

(B) RECOMMENDATION:

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

(C) HISTORY:

None

(D) CONSULTATIONS:

Roads Helensburgh – (Email dated 25th January 2016) No objection subject to the installation of the vehicle passing place along Cumberland Road leading to the site and also the application being approved in accordance with the applicant’s operational plan.

Environmental Health (Email dated 17th December 2015) – Concerned that this type of development may lead to light pollution at nearby residential properties from the installation of floodlighting. They have highlighted that the installer requires to mitigate against any light pollution and implement suitable measures to prevent any nuisance from the installation of the floodlighting. However, they do not object subject to the provision of an appropriate floodlight condition limiting the hours it may be illuminated for.

Core Paths (Email dated 18th December 2015) – No objection to this application, however they have made a comment regarding access for locals and whether or not gates to the pitch could be designed with no locks.

External Drainage Consultant (Email dated 22nd December 2015) – No objection subject to the provision of a drainage related condition assuring adequate drainage measures outlined by agent are fully met and fulfilled.

Rhu & Shandon Community Council (Letter dated 16th December 2015) – Object on the basis that proposal is contrary to a number of Local Development Plan Policies and the detrimental impact the development will have on both amenity as well as the physical appearance of the village of Rhu and the wider conservation area. Issues relating to the site’s designation as an Open Space Protection Area as well as inadequate traffic measures and parking access are other prominent factors which have been raised in relation to this objection.

(E) PUBLICITY:

*Helensburgh Advertiser – ADVLB Listed Building/Conservation Advert – Published 05/11/15
Expiry date – 26/11/15*

*Re-advertised - Helensburgh Advertiser – ADVLB Listed Building/Conservation Advert –
Published 26/11/15. Expiry date – 17/12/15*

(F) REPRESENTATIONS:

A total of 28 emails, letters and public access representations have been received for this application. These comprise of 26 objectors, 1 representation and 1 support as detailed below:

Objectors

Mr Gordon Mowat, Whistlers Dell, Gareloch Road, Rhu, Helensburgh (public access and email 17/12/15)

Mr Michael Tait, Clarinbeag, Gareloch Road, Rhu, Helensburgh (public access 17/12/15)

Mrs Patricia Cook, Clanard, Gareloch Road, Rhu, Helensburgh (public access 07/12/15)

Mrs Colin Jackson, Tanglewood, Cumberland Road, Rhu, Helensburgh (public access and letter 05/11/15)

John Brown, Daniels Head, 22 Ardenconnel Way, Rhu, Helensburgh (14/12/15)

Dr Michael Yendell, Elston, Gareloch Road, Rhu, Helensburgh (letter 11/12/15)

Mrs Eileen Yendell, Elston, Gareloch Road, Rhu, Helensburgh (letter 11/12/15)

Mr Anthony Matteo, Linton Lodge, Gareloch Road, Rhu, Helensburgh (public access 15/12/15)

Mr Andrew Nisbet, Ty Rhiw, Station Road, Rhu, Helensburgh (letter and public access 15/12/15)

Mrs Pat Pollok-Morris, 4 Cumberland Road, Rhu, Helensburgh (public access 15/12/15)

Mrs Caroline O'Brien, 16 Ardenconnel Way, Rhu, Helensburgh (public access 16/12/15)

Mr Kieran Martin, Rosevale, Cumberland Road, Rhu, Helensburgh (public access 17/12/15)

Mr Alan MacNicol, Kintore, Aros Road, Rhu, Helensburgh (email 17/12/15)

Mrs Betty MacNicol, Kintore, Aros Road, Rhu, Helensburgh (email 17/12/15)

Mrs Rosemary Brown, 22 Ardenconnel Way, Rhu, Helensburgh (public access 16/12/15)

Mr William Pumfrey, 19 Ardenconnel Way, Rhu, Helensburgh (email 17/12/15)

Mrs Wendy Bell, Aldonaig House, Rhu, Helensburgh (public access 17/12/15)

Miss Caroline Sheen, Flat 1/2, Hebe Villa, Cumberland Road, Rhu, Helensburgh (public access 18/12/15)

Phyllis Tait, Clarinbeag, Gareloch Road, Rhu, Helensburgh (public access 17/12/15)

Fiona Baker, Hillcroft, Station Road, Rhu, Helensburgh (public access 17/12/15)

David Bell, Aldonaig Gareloch Road, Rhu, Helensburgh (email 17/12/15)

Joan Mowat, Whistlers Dell, Gareloch Road, Rhu, Helensburgh (email 17/12/15)

James Duncan, Shoreacres, Artaman Road, Rhu, Helensburgh (email 16/12/15)

Mr Grant Mitchinson, Grianan, Rhu, Helensburgh (email 16/12/15)

Jean Cook, Inverallt, Shandon, Helensburgh (email 18/12/15)

Jean Baker, Hillcroft, Station Road, Rhu, Helensburgh (public access 17/12/15)

P Bailey, Kinvara, Cumberland Road, Rhu, Helensburgh (letter 27/11/15)

Summarised grounds of objection

Below are a number of sub-headings of themes which were identified whilst summarising the objection representations

Non-compliance with Argyll and Bute Local Development Plan Policies

This development represents a direct contradiction to the following LDP Policies.

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 8 – Supporting the Strength of Our Communities

SG Policy SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

SG Policy REC/COM 1 – Sport, Recreation and Community

SG Policy LDP BAD 1 – Bad Neighbour Development

Comment: The points are noted. See assessment below

Unsuitable development for Conservation Area and Open Space Protection Area

The Sports Field is in a Conservation Area and an Open Space Protection Area and this development is inappropriate in nature because of this. Not only will this development lead to the loss of this open space but it will not preserve or enhance the character or appearance of the conservation area or its setting. As such the nature of the scale and design of this development is uncharacteristic and unacceptable for this location.

Comment: See the assessment below

Impact of Floodlighting

This is a semi-rural area and as such floodlights will have an adverse effect on the amenity of the general area. We cherish the darkness of night, which is being gradually eroded by artificial lighting. The proposal and agent shows analysis to the potential issues of light trespass however this is theoretical and based upon 'luminaire manufacturers' data. Only when the lighting has been erected and switched on will we discover if the impact on neighbouring residents is obtrusive.

Comment: Environmental Health have been consulted and have no objections to the application subject to the introduction of a condition limiting the hours that floodlights may be lit for in the evening. See also assessment below

Impact of evening/nighttime use on amenity

Presumably the purpose of floodlighting the pitch is to use it in the dark evenings. This would generate activity and noise in an otherwise quiet environment during such hours. I would hope that the pitch is not going to be used at night as although acceptable through the day, evening

use will disturb the normal peace of the area. The use of the pitch in the evening will have an adverse effect on the amenity of the general area but in particular the residents adjacent and in close proximity to the pitch.

Comment: Environmental Health have been consulted and have no objections to the application subject to the introduction of a condition limiting the hours that floodlights may be lit for in the evening. See also the assessment below.

Litter and Discharge

Litter is already a problem after many of the games played on the pitch. Often, despite somebody cleaning up the more obvious litter, small items are left behind and blow wind into our garden. Increased usage is likely to exacerbate this situation. On match days where there is an increased crowd we have often had to tolerate public urination with spectators using our hedgerow area as a public toilet. During such occasions we are regularly having to clear litter and discarded beer cans from our back garden.

Comment: Litter is not a material consideration in the assessment of this application. Public urination and other disorder is a matter for the Police.

Intensification/Crowds

The existing pitch is at present rarely used for events which attract crowds. However, the proposed changes would result in significantly increased usage and therefore increased crowd activity. The upgrade means that the pitch will be able to be used throughout the day and evening and as such demand and usage will be greater.

Comment: An Operational plan has been submitted by the agent outlining the management for the facility and this has been implemented as a condition. See also assessment below

Drainage arrangements and flooding issues

The water has to go somewhere: the letter from Paul Bancroft Architects would suggest that, with their proposal, the water will simply sink into the ground. It is not clear whether they have visited and understood the topography or potential drainage routes. The water has to emerge somewhere. Might this be in the garden of a neighbouring property? Or in the foundations of a neighbouring house?

Comment: An external drainage consultant has been consulted on this application and has considered the drainage arrangements to be acceptable subject to a condition.

When drainage to the pitch was last modified several years ago, it resulted in a flood within our neighbour's property: we were lucky that it wasn't ours. Clearly this must be engineered in such a way that flooding does not occur outwith the boundaries of the MOD owned property. The proposers should also be aware that increased water flows in Whistler's Burn have in the past resulted in flooding of properties adjoining the Burn further downstream. The burn is already at capacity in times of peak rain fall. Any action that will increase the risk of flooding to my property and adjacent neighbouring properties is unacceptable. This has been made even more pertinent with news of record rainfalls and consequential flooding in Cumbria, and the potential for increasingly unpredictable rainfall in future years.

Comment: An external drainage consultant has been consulted on this application and has considered the drainage arrangements to be acceptable subject to a condition.

Access and parking provisions

Concerned at potential increase in traffic on Cumberland Road and Hall Road, the main access to the site. There is an existing issue of on-street parking on these approach roads and restricted space for parking at the pitch means this can only get worse. The access road is single track and any intensification of use may be hazardous due to inadequate width of the footpath. The vehicular access and parking would be very restricted and impose difficulties in the Cumberland Road and surrounding areas.

Comment: The Area Road Engineer has been consulted on the application and has no objection to the development subject to the operational statement proposed by the agent being controlled by a condition and the provision of a passing place on Cumberland Road.

Noise disturbance

There is bound to be a much higher level of noise than at present due to the pitch being used on most evenings. Our peaceful village will be impacted with the noise generated from this pitch. The current noise level from the Rhu amateur games on Saturday are significant but part of the village community, this application would make this in essence a 24 hr facility the noise levels would be continuous.

Comment: Environmental Health have been consulted and have no objections

Loss of community and informal use of the playing field

Object to this proposal because there is no community benefit at all for Rhu and it would effectively remove a valuable open space. The proposed development would be locked and inaccessible for everyone other than the MOD. Enclosing this development will change the way this piece of land has been used in the past. Putting a wire fence around the pitch will exclude all the local community who use it, kids playing football golfers practising shots, dog walkers, keep fit enthusiasts. If this planning application is granted it will have the effect of excluding local residents and would be a substantial loss of amenity to the local community. This planning application if granted would be highly detrimental to the amenity and community life of Rhu and Shandon residents.

Comment: The playing field is property of the Ministry of Defence. The primary function of this site is as a sports pitch and as such any other uses would be considered ancillary to this.

Other issues

Had always assumed that the Planners were professionals who were able to look at an application and judge what the grounds for objection would be, and seek at the submission stage to mitigate these if possible. This does not seem to be the case in this application.

Comment: The relevant consultees have been consulted and have responded on this application. Additionally, see the assessment below.

On a non-planning issue, this development directly contravenes the Armed Forces Community Covenant which seeks to integrate military personnel into the community. If the MOD wanted to do this, there are two underused all-weather pitches in the community. There is totally unused small pitch at Kirkmichael which has significantly better changing rooms and showers than the ones at Ardenconnel Field. There is also a full size pitch owned by Lomond School which has more availability than the MOD is looking for on this new pitch.

Comment: An application has been submitted and is judged on its merits against development plan policy and other material considerations.

Supporters

Rhu Primary School, school road, Rhu, G84 8RS (Email – 04/02/16)

Summarised grounds of support:

Due to a lack of space within the school tarmac playground, the use of facility which provides a secure, safe and all weather pitch will create a valuable opportunity for our pupils to enhance their Health and Wellbeing. Currently the Scottish Curriculum for Excellence promotes two hours of physical education per week for each pupil and at Rhu Primary we recognise the benefits of a health promoting school and having this facility on our doorstep would go some way to achieve this.

As mentioned we have used the grass pitch in the past but obviously due to inclement weather, it was not always possible. This new facility will provide an all year round access. Our PE trained teachers are extremely excited at the prospect of using the new 3G pitch and the fact that the facility will be free to Rhu Primary School makes an even more viable opportunity.

Comment: These points are noted. See the assessment below.

Representations

Mr Tim Lightoller, Appleburn Aros Road, Rhu, Helensburgh (Public Access - 30/11/15)

Summarised grounds of representation:

No objection in principle, but a few points for consideration.

1. Would sooner see it be made suitable for hockey and soccer as these are more suitable activities for both sexes and for the local community
2. If the floodlights need to be 15 metres high let us hope that they are only on during the use of the pitch facility.
3. From experience, having lived close to the pitch for 40 years as well as being involved in RN sport when I was serving, I would be very surprised to see it being used by the Navy more than twice a week unless hockey usage was included.
4. If there is redundant turf and topsoil available from the site clearance, it could be usefully donated and spread to help level the Rhu Football Club pitch.

Comment: These points are noted. See the assessment below.

(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:

Yes, a Drainage Statement has been provided

Drainage Statement

The drainage system will be a sustainable drainage system (SuDS). At present the area is suffering from surface water run off due to the nature of the soils and their low permeability. The proposed construction of the pitch details Type 3 sub base with a highly porous surface layer meeting permeability laid down under EN12616(2013).The whole area would have a new herringbone drainage system set at 5m centres and either discharging via the current outfall pipe or a new outfall as necessary. The design would obviously be submitted for approval but would include attenuation as required to restrict the outfall flow rates to what is currently accepted. We are currently awaiting as built drawings giving details of the existing outfall which we believe to be into the western end of the culvert on site.

In summary, the new sports pitch would not have any surface water run off with all water passing through the porous sub base and eventually discharging into the outflow drain or similar as above. The intention is to provide attenuation as required to ensure the current flow rates are not exceeded. At present it is noted that water passes through the existing bank on the NE corner and it is planned to put an additional drain in at the foot of the bank. This would connect into the new pitch drainage scheme. This new drainage design will prevent surface water discharge problems that residents have noted.

(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 Development Plan adopted March 2015

Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of our Environment

Policy LDP 8 – Supporting the Strength of Our Communities

Policy LDP 9 – Development Setting, Layout and Design

Supplementary Guidance

SG Policy LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

SG Policy REC/COM 1 – Sport, Recreation and Community

SG Policy REC/COM 2 – Safeguarding Sports Fields, Recreational Areas and Open Space Protection Areas

SG Policy LDP BAD 1 – Bad Neighbour Development

Other material planning considerations

Scottish Planning Policy: SPP 11: Open Space and Physical Activity

- (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.**

(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):

A total of 28 emails and letters of representation have been received, 27 of which objected to this application as well as an objection from Rhu and Shandon Community Council. Due to the large number of representations to this application, a Hearing is recommended as it is considered to give added value to the decision making process.

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

Planning permission is sought for the upgrade of an existing sport pitch located to the north of the Monitoring Station, Cumberland Road, Rhu. The works associated with this development include the resurfacing of the current sports pitch from grass to AstroTurf 3G, installation of 8 x 15 metres high floodlights and a 6 metre high wire perimeter fence. The site is rectangular in shape, extends to 0.88 hectares and is located within an Open Space Protected Area within Rhu Conservation Area.

The justification for this development and subsequent application as stated by the applicant and agent is to upgrade the existing facility to improve playing capacity and enable various sports to be played throughout the year and not be prohibited by any form of weather constraints.

There is currently a playing field facility present on this site, as such, this application is to be considered as an upgrade to the already established facility rather than an expansion of the current pitch or a completely new development. As a result of this, it is considered that this development does not constitute a change of use, as the lawful and primary use of the facility as a formal recreational sports facility is being retained with the essential character remaining intact.

The nature of this space is not being materially altered in terms of the character of its use; in essence, it is considered that it will remain an open space for the purpose of formal recreational activity, with the only difference being physical changes in the form of a new surface and the addition of floodlights and perimeter fencing. It is considered that these structures; floodlights and fencing are elements which are normally associated with this type of use, and in this instance these may be introduced without changing the use of the facility nor impacting upon the nature of the Open Space Protection Area designation for the site.

Notwithstanding this, the impacts of the physical alterations to the playing field are deemed an important matter which should be considered in relation to the Conservation Area and these are addressed within Appendix A of this report. It is acknowledged that physical alterations to the proposal do potentially have consequential impacts upon the character of the use of the pitch,

particularly in the evenings and winter months where currently there is little activity taking place. However, notwithstanding this, the current situation allows the use of the playing field at any time, unrestricted from both formal and informal use and this usage can be particularly prevalent in the summer months. As such, it is considered that the works associated with this development will create an environment which allows for a more controlled and structured usage which can in turn be managed through the operational plan provided.

The site is reasonably secluded and it is considered that the refurbishment of this sports pitch will not detrimentally affect the amenity of adjacent residents by reason of unacceptable noise or disruption. As a consequence, and subject to suitable conditions, both Environmental Health and the Area Roads Engineer has indicated no objections. It is also considered that the proposal will not detract from the overall visual amenity of the Conservation Area in line with policy SG LDP ENV 17. Furthermore, this development represents an improvement to an existing sport facility which will enhance its playing capacity whilst still retaining its primary function as a formal recreational space and therefore supports the relevant policies LDP SG REC/COM1 and REC/COM2. Based upon the factors outlined above, this proposal is recommended for approval.

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

Yes

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

The site is reasonably secluded and it is considered that the refurbishment of this sports pitch will not detrimentally affect the amenity of adjacent residents by reason of unacceptable noise or disruption. As a consequence, and subject to suitable conditions, both Environmental Health and the Area Roads Engineer have indicated no objections. It is also considered that the proposal will not detract from the overall visual amenity of the Conservation Area and in line with policy SG LDP ENV 17. Furthermore, this development represents an improvement to an existing sport facility which will enhance its playing capacity whilst still retaining its primary function as a formal playing field and therefore supports the relevant policies LDP SG REC/COM1 and REC/COM2. Based upon the factors outlined above, this proposal is recommended for approval.

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

N/A

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

No

Author of Report: Ross Lee

Date: 04/02/16

Reviewing Officer: Howard Young

Date: 04/02/16

Angus Gilmour
Head of Planning and Regulatory Services

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 15/02729/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 29th October 2015 and the approved drawing reference numbers

Drawing 1035-03 – Location Plan

Drawing 1035-01 – Site Plan

Drawing 1135-02 – New pitch surface layout rugby and football

Drawing 1035-04 – Vehicular passing place, Cumberland Road

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 commencement of development, an approved drawing pertaining to drainage arrangements shall be submitted for the approval of the planning authority. Thereafter the drainage shall be implemented in accordance with the details specified within the drainage statement. Runoff should be attenuated to the 1 in 2 year greenfield runoff amount and SUDS should be designed in accordance with CIRIA C753. This shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

3. Notwithstanding the effect of Condition 1, and the details specified in the application, no development shall commence until details of the colour finish to be applied to the fence and floodlighting have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented using the approved colour scheme and shall be maintained as such.

Reason: In the interest of visual amenity and in order to integrate the development into its surroundings.

4. Notwithstanding the effect of Condition 1 and implementation of the works associated drawing 1135-02, the height of the perimeter fence on the Western and Eastern boundaries of the sports pitch shall be reduced from a height of 6 metres to a height of 4 metres. Thereafter the development shall be implemented using the approved perimeter fencing height and shall be maintained as such.

Reason: In the interest of visual amenity.

5. The development shall be managed in accordance with the Operational Plan/Statement submitted in support of this planning application unless otherwise agreed in writing with the planning authority.

Reason: In the interest of road safety and residential amenity

6. The floodlights hereby granted shall only be illuminated between 16.00 hours and 20.30 hours. At 20.30 hours these shall be switched off with the exception of the illumination of a security light will be permitted for a further 30 minutes after the floodlight has been switched off.

Reason: In the interest of the amenities of occupiers of nearby residential properties.

7. Notwithstanding the effect of Condition 1, a vehicle passing place shall be installed at the access point to the site on Cumberland Road in accordance with drawing number 1035-04. This shall be implemented prior to this facility being brought in to use and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of road safety

8. Tree protection measures shall be implemented for the full duration of construction works, full details of which shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development. No trees shall be lopped, topped or felled other than in accordance with the details of the approved scheme unless otherwise approved in writing by the Planning Authority.

Reason: In order to retain trees as part of the development in the interests of amenity and nature conservation

NOTES TO APPLICANT

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

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 15/02729/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

Planning permission is sought for the upgrade of an existing sport pitch located to the north of the Monitoring Station, Cumberland Road, Rhu. The works associated with this development include the resurfacing of the current pitch from grass to Astroturf 3G, installation of 8 x 15 metres high floodlights and a 6 metre high wire perimeter fence. The site is rectangular in shape, extends to 0.88 hectares and is located within an Open Space Protected Area within Rhu Conservation Area.

The justification for this development and subsequent application as stated by the applicant and agent is to improve the existing facility to enable various sports to be played throughout the year and not be prohibited by any form of weather constraints.

A fundamental issue which should be addressed at an early stage is that notwithstanding any developments, this site is an existing playing field which has a lawful use as a sports pitch and for this reason this development should not be viewed as, nor constitute a change of use. As such, it should instead be considered as an upgrade or refurbishment to an existing sport pitch where the works associated with the development would conclude with the same current use being inherently retained and the essential character not changing.

Policy SG LDP REC/COM1, which establishes a presumption in favour of new or improved sport, recreation and community facilities, is of particular relevance to this proposal, with the existing playing field being upgraded and enhanced. This development is also considered to align with policy SG LDP REC/COM 2, in particular part iii) which states that:

'any playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing capacity in the area'.

The refurbishment of this playing field to an Astroturf 3G pitch is considered to be an acceptable improvement, providing a facility which is not prohibited by weather constraints and ultimately improving the overall playing capacity of the facility.

It is considered that the inherent function of this space will not be changed and therefore the OSPA will be retained in terms of function and form and as such this application accords with SG LDP REC/COM 2.

Ultimately, this development involves additional investment into a local sporting facility, which will be improved and upgraded, consequentially safeguarding it for the future and as such it is considered that this represents an acceptable development, which as previous stated inherently retains the primary function of this space.

B. Location and Site Context

With this pitch being located within the Rhu Conservation Area, there is an acknowledgement that this development will have a level of impact upon this designation. It is noted that the sports pitch will undergo a degree of change in physical appearance with the upgrade works associated with this development and these alterations are carefully considered within the context of its location. However, it is designated as an OSPA and the character of the space will not materially change.

The setting of the Rhu Conservation Area currently comprises of estate-based and suburban residential developments along with a number of existing recreational sports pitches and as such, it is considered that the existing nature of the space could not be described as wholly rural, open or greenfield.

The site is located within a secluded area with restricted views and a high degree of self-containment. It is not widely visible or overlooked and is only prominent as a feature from its immediate locality or when accessing via Cumberland Road. As such, it is considered that the character and visual impact of this application would be limited. Furthermore, the pitch itself is surrounded on three sides by a dense and prominent tree boundary, which provides a backdrop and level of screening which will not be impacted upon by this development. A condition is recommended which will ensure that all trees which surround the application site will be retained during the construction stage and remain thereafter. Based upon this, it is considered that there is a sufficient level of containment inherent within the location and restricted viewpoints which mean that the visual impact of this refurbished development would be limited.

The character of the area is also formed by the utilitarian buildings located within the immediate vicinity including the monitoring station, BT telephone exchange and the local scout hall. The site already contains many of the features which are characteristic of, and combine to define a sports pitch, including lighting columns, goal posts and parking provisions. As a result, it is considered that the proposed development does align with SG Policy SG LDP ENV 17 in terms of preserving the character and appearance of the conservation area, albeit with physical alterations, but with the existing character and use as a sport pitch being retained and safeguarded through this development.

C. Design and scale

The physical structures associated with this development have to be considered in the context of the location of the pitch within a conservation area as well as the close proximity of residential properties.

These structures will have a visual impact upon the surrounding area during daylight hours, however it is considered that with the site being well contained within the Rhu settlement, both the fencing and floodlights in overall terms are appropriate and the visual impact will be limited as a result of this.

A number of representations have highlighted concerns regarding the visual impact of the floodlighting in the evening when they will be 'illuminated'. Whilst these issues are acknowledged, it is considered that as the floodlights are only illuminated for a controlled period of time; between 4.00pm and 8.30pm in the evening in the winter, then their impact will be very limited. These floodlights have been designed to be localised, each floodlight is 15 metres in height and it is considered that this will allow the light omitting from them to be more focused and in turn, reduce the levels of light spillage to a minimum. The agent responsible for the application has provided additional assurance within the specific design, which is set to a standard of E1 regulations and incorporate provisions to minimize the issue of light spillage

through the inclusion of additional bafflers which will reduce their impact upon neighbouring residential properties.

Furthermore, the agent for this project has highlighted a number of alternative designs and adjustments relating to the height and colour of the fencing and floodlights which could be made available. It is recommended that the fence and floodlights are to be painted a dark green or black in order to better assimilate and blend with the existing context. Additionally, the height of the fence is to be reduced to 4 metres on the Eastern and Western sides of the facility in order to minimize their overall impact. The 6 metres height of the fence at the North and South ends, behind the goal posts, is required to be retained in order to ensure footballs being used during matches remain within the facility. Both of these recommendations shall be implemented through conditions and be arranged and agreed with the planning authority prior to any other works taking place.

D. Use of the Facility

In relation to accessibility and the use of this sports pitch as an amenity or public area for members of the public, it is acknowledged that this development could potentially constitute a loss of this site as a historic space for informal activity.

This has been considered with particular regard to policy LDP SG REC/COM 2 part v) which states:

“In the case of valued recreational areas (public or private) it can be adequately demonstrated that there would be no loss of amenity through either partial or complete development and that an alternative provision of equal benefit and accessibility be made available.”

Representations which have been received clarify that this site has been actively used by the local community for many years as an historical space for informal activity and the impact that this proposal could have on this represents a matter which has to be carefully evaluated.

Whilst this site plays a role for a range of community activities, it must be considered that this site's lawful use is as a playing field for formal sports matches. Fundamentally, this site constitutes a sports pitch which is owned by the Ministry of Defence, whose primary purpose and function is to facilitate formal recreational activity. Therefore, it is considered that any informal recreational use is viewed to be ancillary to the primary function and as such the loss of this space for members of the public would not constitute substantial enough grounds to warrant refusal for this application.

Notwithstanding this, the agent and applicant for the application have tried to address this secondary recreational use on the site and have come to an agreement with Rhu Amateurs football club and Rhu Primary School who are going to be able to use the proposed upgraded facility. This would free up Rhu Amateur Football Clubs current pitch which sits on the access road towards Ardenconnel playing field and this could serve as an alternative space to facilitate informal recreational activity.

On balance, it is considered that this application represents an upgraded facility which improves the playing capacity for the primary use of this site as formal recreational activity. This development will not significantly impact upon the ability for members of the public to engage in informal recreational activity within the area, which is well served by alternative open spaces. Furthermore, with the compensatory measures which have been put in place, it is considered that there is a net benefit for the community with both Rhu Primary School and Rhu Amateur's football club having an agreement to use the upgraded facility.

E. Amenity Issues

An associated issue relating to this application questions whether the upgrade of this facility would lead to an unacceptable reduction in residential amenity for the surrounding area. In addition, a number of concerns were highlighted through representations pertaining to light pollution resulting from the floodlighting and a potential increase of noise levels in relation to the proposed hours of operation for this facility.

Whilst the upgrade of this facility may lead to more frequent use of the site, at the same time it is important to consider that although this is predominantly a residential area, there is already an established sporting facility present on this site which is currently used both formally and informally by a variety of different users. At present this facility has no existing restriction in terms of when it is used, in particular during the lighter summer months, where in the evenings activity levels may be increased.

The agent has created an operational plan for this facility which incorporates the following: -

- Hours of operation of the facility
- Facility booking system
- Traffic management arrangements
- Access improvements
- Floodlight management and operation
- Estimated annual projected use of the facility

Should this application be approved, this operational plan will be implemented as a condition, ensuring these arrangements contained within it are adhered to in perpetuity.

Environmental Health have been consulted in relation to this application and have offered no formal objection to the development. Their position is subject to provisions which will limit the hours during which the floodlights may be illuminated and as such control the hours of operation of the facility in the evening. As a direct result, it is considered that this will also in turn serve to reduce and minimize the noise activity in the evening associated with the development. The aforementioned factors have been addressed within the operational plan, the implementation of which as a condition, will facilitate a level of control over the facility and prevent any use being unduly disruptive to the overall residential amenity of the surrounding area. It is considered that this operational plan will alleviate the amenity issues and prevent the activity on this facility from being excessive to the point of unacceptability. As a result of this, it is considered that this would prevent this development from being considered a 'bad neighbour'.

When addressing the specific issue of noise, it is considered that this will neither change nor increase significantly to an unacceptable level in relation to the refurbishment of this facility. As previously stated this playing field is currently used both formally and informally and there are no existing measures in place through which to control the level of noise being generated. It is expected that this development will, if anything, help to manage the impact of noise upon neighbouring properties by creating a more controlled environment whereby activity on the site will conclude by 8.30pm in the evening.

F. Drainage Arrangements

The proposed construction of the pitch details type 3 sub base with a highly porous surface layer meeting permeability requirements as laid down under EN12616 (2013). The whole area is

proposed to have a new herringbone drainage system set at 5m centres which will either discharge via the current outfall pipe or a new outfall if necessary.

The external drainage consultant has confirmed that the drainage scheme being proposed in relation to this application is not only acceptable but represents an improvement to the existing system and has confirmed its acceptability subject to a condition being implemented ensuring the correct level of drainage requirements are met.

This stipulates that the surface water drainage system is to be designed to the satisfaction of Argyll and Bute Council. Runoff should be attenuated to the 1 in 2 year greenfield runoff amount and SUDS should be designed in accordance with CIRIA C753.

G. Road Network, Parking and Associated Transport Matters.

As this application is not considered to constitute a change of use, ultimately the works associated with this development cannot be seen as resulting in a form of intensification on the site. Within this proposal, there are no additional sports pitches being introduced nor is the existing pitch going to be expanded or enlarged. Instead the site will continue to retain a single sports pitch. As a result of this the Area Roads Engineer considers that the parking provisions for this facility are sufficient, particularly with the main mode of transport for Ministry of Defence use being a single minibus. Furthermore, the operational plan, which is proposed to be implemented and secured through a condition, demonstrates that the use of facility by the Ministry of Defence and Navy is limited on average to a 4 slot per week basis. It has also been projected that should the usage diversify into wider community use, then a 30-minute gap between bookings will be put in place in order to minimize traffic and congestion issues relating to the facility.

A number of representations pertaining to concerns relating to the access road on Cumberland Avenue leading to the playing field being privately owned have been raised. However, it is important to highlight that 'land ownership' in this instance cannot be considered a material planning consideration, instead this would be a civil matter between those parties involved.

The Area Roads Engineer has raised no objections to the proposal subject to the implementation of a passing place on Cumberland Road and the arrangements of the operational plan being conditioned in perpetuity. It was felt that there was an opportunity to improve the access road to the site and also alleviate any existing issues relating to traffic. As such a suspensive condition is recommended for the applicant to provide a passing place on Cumberland Road. The proposed passing place is to be constructed in accordance with the details outlined within the operational statement and plan number 1035-04 and is to be made available for use prior to the new pitch surface being operational.

H. Conclusion.

The site is reasonably secluded and it is considered that the refurbishment of this sports pitch will not detrimentally affect the amenity of adjacent residents by reason of unacceptable noise or disruption. As a consequence, and subject to suitable conditions, both Environmental Health and the Area Roads Engineer have indicated no objections. It is also considered that the proposal will not detract from the overall visual amenity of the Conservation Area in line with policy SG LDP ENV 17. Furthermore, this development represents an improvement to an existing sport facility which will enhance its playing capacity whilst still retaining its primary function as a formal recreational space and therefore supports the relevant policies LDP SG REC/COM1 and REC/COM2. Based upon the factors outlined above, this proposal is recommended for approval.