

RHU MARINA MASTERPLAN REPORT

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**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 is considered below.

**2. RECOMMENDATION**

The components of the mixed-use scheme are considered to be compatible with PDA 3/29. Whilst the masterplan is light on some information it is considered that there is sufficient detail to assess the proposed redevelopment in principle. As such it is recommended that, subject to a Hearing, it be approved and endorsed as a material consideration in the assessment of the current planning application for GSS reference 12/01696/PP.

**3. ASSESSMENT**

The Rhu Marina site is designated in the current adopted Local Plan as Potential Development Area (PDA) 3/29. Under this designation it is identified for a mixed use development comprising Housing, Leisure, Tourism, Business and Retail.

PDAs are areas identified by the Council that can contribute to economic development and environmental improvement. In turn they reflect the advice and desire of Scottish Government to improve the economic base of the country.

PDAs are defined in the plan as areas of land within which opportunities may emerge during the period of the Local Plan (5 to 10 years) for infill, rounding-off, redevelopment or new development. Such opportunities as were identified were not fully resolved at the time of the adoption of the plan, which requires constraints to be overcome in terms of the 'mini development brief' accompanying these PDAs before development opportunities within the PDA area can be realised and be supported by the Local Plan. It is standard practice to require a masterplan when considering the development of such designated areas. Masterplans help the Council assess at an early stage in the development process, the interrelationships of layout, design, access, existing transport infrastructure and sustainable modes of travel, landscape and ecology, open space provision and integration of a proposed development with existing communities.

The Scottish Government most commonly refers to Masterplans being, '*a plan that describes and maps an overall development concept, including present and future land use, urban design and landscaping, built form, infrastructure, circulation and service provision. It is based upon an understanding of place and it is intended to provide a structured approach to creating a clear and consistent framework for development*' (PAN 83). The Scottish Government endorses the use of masterplanning in general, but considers that it is especially useful for large sites and in areas/sites

which are going to undergo substantial change, have multiple uses, or are sensitive in environmental or landscape terms.

PDAs are areas identified by the Council that can be developed or, in the case of brownfield sites, redeveloped to contribute to economic development and environmental improvement. In turn they reflect the advice and desire of Scottish Government to improve the economic base of the country.

At the meeting of the PPSL Committee on 23 November 2011, Members considered and agreed a policy paper on masterplans. This stated, *inter alia*, that:

*“Proposals for development of PDAs should be accompanied by a Masterplan which demonstrates how the proposed development will relate to the wider area and any parts of the PDA which do not form part of the application site, and that the publicity and consultation arrangements for the masterplan and planning application run concurrently for a minimum period of 21 days.”*

Given the current planning application submitted by GSS, which is being considered separately by Members, a masterplan has been required for prior consideration as part of the determination of that application. This has now been submitted, has been the subject of consultation and publicity, and it is assessed below.

#### 4. CONSULTATIONS

<b>SEPA</b>	(Letter dated 15/04/13)	In any future detailed planning application for proposals within the Masterplan area the following issues should be addressed: Flood Risk, Waste Water Drainage, Surface Water Drainage, Pollution Prevention and Environmental Management and Space for Waste Management Provision.
<b>Flood Prevention Officer</b>	(memo dated 01/05/13)	A Flood Risk Assessment (FRA) should be submitted which identifies the minimum Finished Floor Level (FFL) required. The submitted drawings should be amended to show the proposed FFL. The FRA should address how the building and car park area will be safely managed in regard to flood events.
<b>Public Protection</b>	Awaiting response	
<b>Scottish Water</b>	(letter dated 05/04/13)	No objections
<b>Roads Engineer</b>	(memo dated 29/04/13)	No objections in principle. The vehicle access would require to be adopted and sightlines improved. Additional parking spaces may be required as well as an additional vehicular access service point.

**Rhu & Shandon Community Council** (letters dated 24.03.2013 and 17.04.13)

The quality of the drawings on the website are such that it is very difficult to make out the detail and several days have been wasted before we have been able to access good quality drawings. Even now, the drawings on the A&BC Planning System are of poor quality and this will hamper the public's understanding of the proposals.

R&S CC welcome the publication of the Masterplan for the Rhu Marina area. The CC is keen to see the marina facilities developed and improved but are adamant that this must always be done in the context of its central location within a conservation village, and as an important element in the high quality panoramic views of Rhu Bay.

Mindful of our responsibility to represent the views of the community R&S CC have carried out a survey of visitors to an open event held by the developers of the Masterplan on 02.4.13, and also held an open meeting on 15.4.13 to ascertain the views of the residents. Our understanding of these views has been taken into account in preparing this submission.

Considering the views expressed in our survey (approx. 110 returns) and our open meeting (approx. 140 attendees), even allowing for overlapping between the two groups, on balance the R&S CC concludes that there is significant support within the village for development of the marina area. However, many of those who agree with the Masterplan proposals have strong reservations about certain aspects which, when coupled with the substantial portion of the community who have expressed disagreement with the proposed Masterplan, means that the R&S CC feels that they must object to the Masterplan as currently presented. The following points listed below list the perceived shortcomings and other factors which R&S CC feel should be taken into consideration:

*(NB: References to policy refer both to the current adopted Local Plan 2009, generally prefixed "LPxx", and also to the draft Local Development Plan currently out for consultation, which is a material consideration, and its Supplementary Guidance, where policies are prefixed "LDPxx" and "SG LDPxx" respectively).*

1. The area covered by the Masterplan extends beyond the area covered by PDA 3/29 and includes an area of land reclamation to the north-west of the PDA area. This reclamation is felt by the community to be unnecessary and also would appear to be contrary to Argyll & Bute 2009 policies LP CST4 and SG LDP CST1 which only permit development of the foreshore when it is essential and there is no other option. In this case the development to the north-west of the PDA is not considered essential to a foreshore site. There are concerns that the impact of such land reclamation could be detrimental to the behaviour of the tides and water flows, and the biodiversity of Rhu Bay, contrary to SG LDP CST1. An Environmental Impact Assessment, or similar study, must show this impact to be acceptable before such land reclamation is approved.
2. The whole of the Masterplan Area lies within the conservation area of Rhu village and as such is subject to A&BC policies in respect of development in a conservation area (2009 Local Plan Policies LP ENV13a and LP ENV14). Whilst A&BC are in default in not yet having published a Conservation Area Charter for Rhu village, as required under their own policy, nevertheless their own policies require that, amongst other things:
  - a. The development does not detract from the setting of a conservation village (LP ENV14). The size and scale of the proposed buildings are considered by many residents to be too intrusive for policies LP ENV14 and LP ENV19A, B & C to have been met
  - b. Buildings mass and scale are widely thought to be generally inappropriate with the surrounding residential area (contravenes policy LP ENV19 A, B and C).
  - c. In particular many of the building elevations are unacceptable, being up to 18m high. These should be limited to that of the current highest building on the marina (RNLI Boathouse) which is shown on the diagrams to be 15m above datum (this elevation has been queried), but always taking into account their position on the site and the impact on the surrounding conservation setting.
  - d. The development will severely impact the panoramic qualities of the views of Rhu Bay and are such in contravention of LP ENV14 and LP ENV19. Whilst Rhu Bay is not currently specified as an Area of Panoramic Quality nevertheless it is an iconic view, jealously guarded by the community, and the R&S CC believes the requirements of policy LP ENV 19C and LP ENV10 should be applied.

3. The 2009 Local Plan Coastal Development policy must apply to this site as it clearly lies within a coastal zone. In this respect policy LP CST 1A is met in respect of the marina facilities and clubhouse which do require a coastal location, but is contravened by the hotel, residential and office uses which do not. In addition, SG LDP CST 1, which accompanies the new draft Local Development Plan and hence is a material consideration, makes it clear that applications for coastal development on land will ONLY be supported where it can be demonstrated that “..... a coastal location is essential to the development and that there is no other alternative site outwith the coastal zone”. There is no justification why a coastal location is essential for hotel, residential, convenience store and office accommodation. LP CST 1D is contravened in that the scale and mass of the proposed buildings are not compatible with the surrounding landscape and setting. It is accepted that LP CST 1C would appear to be satisfied in terms of economic and social benefit.
4. There is a strong belief that the marina site should be developed in a manner which supports and enhances its fundamental purpose of being a marina, which is supported by LP CST1A, and, whilst it is not a commercial scale harbour, the requirements of LP TRAN8 to promote retention for marine uses. In this respect it is felt that;
  - a. A development of 20 residential units is considered to be medium-scale and therefore not appropriate for a village setting (see LP HOU1 and SG LDP HOU1, which is a material consideration). Policy LDP CST1 specifically constrains development on coastal land unless it is essential and there is no alternative inland site available. It is believed that there are inland sites available for housing.
  - b. A clubhouse is appropriate provided a local club will adopt it.
  - c. A small hotel operation would not appear to require a coastal location and there is already excess capacity in the village at existing hotels, and bed and breakfast.
  - d. establishments. (i.e. policies LP CST1 and SG LDP CST1 are contravened).
  - e. The separate office block appears to be speculative with no obvious marina link given that the facilities building has office accommodation.
  - f. The facilities building is appropriate in terms of function but is unacceptable in terms of overall mass and elevation.
  - g. The convenience store seems excessive given other provision in the village. Its siting on the roadside on current landscaped ground will detract from the approach and general appearance of the site. Also, 3000ft<sup>2</sup> is close to the size requiring a Retail Impact Assessment under policy LP RET3.
  - h. A restaurant is appropriate
5. The provision for boat storage and parking seems inadequate and not to required standards.
6. There are concerns over traffic flows in and out of the marina area, and generally on road access on the A814 – traffic would be exacerbated by residential units etc.
7. A significant failing of the Masterplan is that it does not make clear future provision for some of the current marina activities. Specifically, whilst there appears to be some office provision to replace the temporary facilities requested under 12/01696/PP, the other activities addressed by this temporary application are not provided for in the Masterplan. Continued long term use of containers as stores, workshops and welfare facilities is not acceptable and proper provision must be made in the Masterplan. The temporary pontoon proposed in the application also does not appear to have a permanent provision in the Masterplan.

8. From the above it will be seen that if the proposals were to be adopted then there would be departures from a number of A&BC policies in the current 2009 Local Plan, viz: LP CST1A, LP CST1D, LP CST4, LP ENV 10, LP ENV 13A, LP ENV 14, LP ENV 19A, LP ENV 19B, LP ENV 19C and possibly LP HOU1. Similar policies in the proposed Local Development Plan and its Supplementary Guidance are also infringed. This number of departures would be contrary to 2009 Local Plan Policy LP DEP 1 (Departures to the Development Plan) which requires that "(A) The council shall seek to minimise the occurrence of departures to the Development Plan to grant planning permission as departure ONLY when material planning considerations so justify." Thus agreeing to this proposal would have to mean demonstration of material planning considerations to justify each of the departures from the Local Plan which occur in the Masterplan. This should not be left until the individual applications are made and should be addressed as part of the master plan approval process.
9. There is considerable support in the village for development and improvement of the site, with some believing that it will improve the site and the amenity of the village. Even amongst those expressing support concerns remain around the height and mass of the buildings proposed, and the impact of the shop, hotel etc on existing local businesses.
10. It is understood that there will be no affordable housing on the site. Provided that this is addressed in other ways under A&BC policy this should be acceptable.
11. The provision of public access paths and public open space is welcomed and is to be encouraged. Note that the provision has not been checked against policy LP HOU4.
12. It is to be noted that an effective Masterplan should include "how the project will be implemented through a delivery strategy which sets out phasing, timing and funding". (See PAN83, page 7)

## **5. PUBLICITY**

The Masterplan has been advertised (expiry date 12.04.2012) and a public meeting held on 2 April 2013.

## **6. REPRESENTATIONS**

Objections have been raised by 37 individuals as listed below:

Michael McAulay, Old Court, Artarman Road, Rhu, Helensburgh (e-mails dated 04/09/12 and 23/04/13)

Andrew Smith, Ardenmore Cottage, Pier Road, Rhu, Helensburgh (e-mails dated 18/09/12 and 18/04/13)

Jim Duncan, Shoreacres, Artarman Road, Rhu, Helensburgh (e-mails dated 14/09/12 and 28/03/13 and letter dated 28/03/13)

Alistair Moore, Smugglers' View, Pier Road, Rhu, Helensburgh (e-mails dated 15/09/12, 18/04/13 and 24/04/13)

Trevor McKay, Ardenmohr, Pier Road, Rhu, Helensburgh (e-mails dated 15/09/12 and 20/04/13)

Mrs Nazzarene McKay, Ardenmohr, Pier Road, Rhu, Helensburgh (e-mail dated 15/09/12)

James Kerr, Ardenberg, Pier Road, Rhu, Helensburgh (e-mail dated 15/09/12)

Mrs Adrienne Kerr, Ardenberg, Pier Road, Rhu, Helensburgh (e-mail dated 15/09/12)

Peter Paisley, Ardlea, Artarman Road, Rhu, Helensburgh (e-mail dated 15/09/2012 and letter dated 09/04/13)

Jack Rudram, 21 Queens Point, Shandon, Helensburgh (e-mail dated 19/09/12)

Adam Muggoch, Artarman House, Artarman Road, Rhu, Helensburgh (e-mail dated 18/09/12)

Mrs Pat Pollock-Morris, 4 Cumberland Avenue, Helensburgh (e-mail dated 18/09/12 and letter dated 10/04/13)

John McGall, Dunmore West, Pier Road, Rhu, Helensburgh (e-mails dated 19/09/12 and 06/04/13)

Mrs Alison McGall, Dunmore West, Pier Road, Rhu, Helensburgh (e-mail dated 19/09/12)

Mrs Margaret Stewart, Dunmore West, Pier Road, Rhu, Helensburgh (e-mail dated 19/09/12)

Craig Jackson, Ingleby Green, Artarman Road, Rhu, Helensburgh (e-mails dated 19/09/12 and 22/04/13)

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

Mrs Linda Duncan, Shoreacres, Artarman Road, Rhu, Helensburgh (letters dated 16/09/12 and 29/03/13) and e-mail dated 19/09/12)

Sheriff Simon Pender, Kentara, Pier Road, Rhu (e-mails dated 03/04/13 and 22/04/13)

David Johnson, Woodcote, Pier Road, Rhu (e-mail dated 14/04/13)

Miss Johann Crawford, Garedale, Manse Brae, Rhu (e-mail dated 12/04/13)

Ian N Reynard and Leila F L Reynard, 34 Loch Drive, Helensburgh (letter dated 11/04/13)

Mr K and Mrs P MacKenzie, 11 Water's Edge Court, Rhu (letter dated 18/04/13)

William Quaile, Ulston Grove, Spys Lane, Rhu (e-mail dated 17/04/13)

Carolyn Rudram, 21 Queens Point, Shandon, Helensburgh (e-mail dated 17/04/13)

Peter Henry, 14 Laggary Park, Rhu (e-mail dated 17/04/13)

Moyra Conner (no address) (e-mail dated 17/04/13)

Gordon and Susan Mucklow, Wychwood, Lineside Walk, Rhu (e-mail dated 22/04/13)

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

Craig Lesley, 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)

### **Summary of issues raised**

- Rhu residents were assured that any consultation would be for 6 weeks but only 3 weeks have been allowed. Even although this period is over the Easter holidays. The notice in the Helensburgh Advertiser was not displayed in a manner which made the item easy to find even when searching for it. The documents available on the website were illegible, for a significant length of time. As was the hard copy at Blairvadach.

*Comment: A minimum of 21 days is allowed for such consultation. Additional time has been allocated for comments on the masterplan. A3 documents were made available for inspection at Blairvadach.*

- Object to the masterplan being considered before the period of consultation for the latest Local Development Plan is completed and the New Local Development Plan has been adopted. The masterplan is devoid of comment about the draft LDP.

*Comment: This PDA was included in the adopted Local Plan following a long period of public consultation. The emerging Local Development Plan has limited material weight as it has only recently completed its public consultation period and there are representations concerning PDA 3/29. As such it does not prevent its determination having regard to the provisions of the adopted plan.*

- The Masterplan does not address the siting of GSS. Therefore how can the GSS application be considered when it has not been included in the Masterplan. After all the purpose of a Masterplan is to prevent piecemeal development in a PDA.

*Comment: The GSS application is for temporary permission. However, it has been included within the amended masterplan drawing.*

- The Masterplan makes no reference to extensive land reclamation to the west of the site, either in the drawings or the text. The area proposed for development is larger than PDA3/29. This has not been highlighted in the application and is a gross omission in the masterplan. Nor is it a brownfield site, but natural coastline. In fact the term brownfield, where it is used, is misleading. The area owned by The Crown Estates had been reclaimed by the previous owners, to facilitate leisure facilities at the marina. It has never had an industrial use. To what extent has Marine Scotland, who would require to consent to this reclamation, been engaged as part of the masterplan consultation exercise?

*Comment: The extension to the West reflects the previous planning application approved in 2008 under reference 04/01218/DET which did include an extension to the West through infilling. This area of infill is to be retained as part of the masterplan and assists in creating a substantial area for*

public realm. The 04/01218/DET application was itself a renewal of an earlier consent, 98/01100/DET, and was approved as being consistent with Development Plan Policy.

- The height of the facilities building (Ref 11/00789/PP), referred to as the Amenities building in some documentation, is at odds to surrounding buildings.

*Comment: With reference to the Facilities Building the ground floor datum is 4.85 with a ridge datum height of 16.10 (the actual height of the building being 11.25 m from ground floor level to ridge). This is reflected in the elevation of the Waterfront as viewed from offshore.*

- The building of 2 blocks of high flats and a hotel in that location will spoil the whole ethos of Rhu Conservation Village, especially since building works are proposed to be carried out on land which at present does not exist. The heights of the proposed buildings are excessive and inconsistent with the Conservation Area status of the site. In this instance, there is a presumption against development which doesn't preserve or enhance the character and appearance of the Conservation Area. The masterplan should set out what steps are being taken to preserve and enhance the special interest of the asset

*Comment: A Design Statement has been submitted. See my assessment.*

- There has been no study undertaken to show that Rhu needs another convenience store. It already has 2 stores and a Post Office. A store of this size (3000 square feet) would be approximately 3/5ths of the Farmfoods store in Helensburgh.

*Comment: PDA 3/29 includes retail as part of the proposed mixed use. The Marina already has associated retail and any additional facilities would be assessed against Development Plan Policy and other material considerations. As originally envisaged the plan indicated a 3000 square feet convenience store. This has now been withdrawn and a Class 4, 6 or 10 use indicated as possible alternatives for the proposed building. See also my assessment.*

- The drawings show parking for 400 cars and storage for 23 boats. The A814 is an extremely busy road and a main thoroughfare for traffic to Faslane. At the present time it can be difficult to enter or leave Artarman Road because of the volume of traffic. I suggest that it would be extremely dangerous to have 400 cars using the existing entrance to the Marina, as shown on the Masterplan. This entrance is beside a bend in the road, close to a blind hill, opposite Artarman Road and adjacent to 2 bus stops. This new proposal would make this road even more dangerous to motorists, cyclists and pedestrians crossing the road.

*Comment: The Area Roads Manager has indicated no objections in principle.*

- The proposed number of new dwellings is 20 or 40 if you include apartments. This would constitute a Medium-Scale Housing Development. There is a general presumption against such a scale of development in Rhu.

*Comment: At the top end, 40 units would constitute large-scale housing developments. Rhu is classified as a small village where there is a presumption against large-scale housing development i.e. over 40 units. However, PDA status allows for higher density development.*

- The masterplan does not explain why a coastal location is essential for the proposed housing development, the convenience store or the non-Marina related business activities.

*Comment: The Marina is located on the coast and is designated a PDA for a mixed use development comprising Housing, Leisure, Tourism, Business and Retail.*

- However, would support a Masterplan for the Marina which developed the site for leisure activities associated with a marina and took cognisance of neighbouring properties, the ethos of Rhu as a Conservation village and the vistas from the A814. The area covered by this Masterplan is owned by two different entities. One is The Crown Estates and the other is Rhu Marina Developments, who were the original owners of the whole site. Therefore the development of the marina part of the site should not be dependent on the development and reclamation to the west by Rhu Marina Developments.



*Comment: The extension to the West reflects the previous planning application approved in 2008 under reference 04/01218/DET which did include an extension to the West through infilling. This area of infill is to be retained as part of the masterplan and assists in creating a substantial area for public realm.*

- The site is a marina and should be maintained and developed as a marina. It is wholly inappropriate to develop the site with housing, hotel accommodation and a fairly large shop. A small shop for sailors' essentials and yacht related items would be fine but there are already some small shops in Rhu and two hotels and B+B's whose business would be affected by the development of such facilities at the marina. If a new clubhouse is built it could contain some accommodation facilities for visiting yachtsmen.

*Comment: The Marina is designated a PDA for a mixed use development comprising Housing, Leisure, Tourism, Business and Retail.*

- The Masterplan shows a total of 23 boats on the land – one only has to look at Rhu Marina today to know that the proposed boat storage facilities out of the water is totally inadequate. The Masterplan itself does not even address this issue but RMD (Rhu Marina Developments) comment when asked that 70 boats could be stored out of the water and they will be rotated at three monthly intervals. A revolving system for 70 boats is not sufficient for a marina or indeed an appropriate level of service for a well-run marina. The current capacity is for 140 boats so in fact the Masterplan proposes a downgrading and reduction of marina facilities. The car parking is also inadequate considering big boats may have a crew of five or six require a lot of kit so each boat may need several parking spaces rather than just one when boat is in or out of the water.

*Comment: The boat storage shown is for summer storage. The Area Roads Manager has no objection in principle.*

- The undercroft parking idea for the proposed aparthotel and housing seems a ridiculous suggestion considering the site is in landfill and on the shore.

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

- There appears to be no clear provision for yacht related business and more importantly HM Coastguard – as essential as the RNLI - do not seem to be accommodated at all in the Masterplan.

*Comment: Retail is part of the PDA designation and is included on the masterplan. Rhu Marina Developments has indicated that no decision has been made on whether the RNLI will be accommodated within the site.*

- The Masterplan is lacking in many respects and is really a rather flimsy document and falls short on a number of the requirements outlined in the Argyll and Bute 'Guidance on the use of Masterplan's document dated 23.11.11. There are no decent mock-up views of how the developed site would look, no clear identification of the present site extent and how much would be newly infilled; no indication of building materials; the plans are generally poorly presented; there is no clear provision of permanent facilities to replace the temporary facilities requested under planning application 12/01696/PP and it does not indicate which part of the site is Crown Estate and which part is RMD.

*Comment: See my assessment.*

- The Masterplan states in 5.1.5 that a significant structural landscape belt alongside the cycleway adjacent to the A814 to give the marina site a sense of enclosure would be developed. In actual fact the NE corner of the site has car parking adjacent to the road and no green strip at all. Also enclosing the whole site and effectively cutting it off from the village and bay would further impact on general amenity and views.

*Comment: See my assessment.*

- The new cycle path is used all day by cyclists, mums with prams, walkers and many school children. Site vehicles accessing the area of infill and build would greatly endanger the lives of those vulnerable users of this walkway and cycle path.

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

- The marina is not really suited to the site it is currently on. Strengthening tidal effects and increasing storms effects demonstrate this, along with the historic problems of the breakwaters of the marina which has fallen victim of the tidal currents and sinkage effects of the seabed in the past.

*Comment: SEPA has indicated no objections in principle. The Flood Alleviation Officer indicates a Flood Risk assessment will be required. Tidal issues would require to be addressed as part of any planning application.*

- Any development on this infill/land reclamation site would also incur a much greater quantity of light pollution in the affected area. Such shore light is known as 'backscatter' and is known to be of detrimental effect when maintaining a safe lookout for other vessels' navigational lights during hours of darkness.

*Comment: This would be a minor material consideration in the assessment of any subsequent planning application(s).*

- The village already suffers with the continued pollution of the polystyrene pontoon material which is washed up on our shores. This is not the sort of developer we would wish to see working in the community, when they cannot take appropriate responsibility for their current site. One would question that should this development take place, how much consideration on the rest of the community would be incorporated into the developers' intentions.

*Comment: This is not a material planning consideration.*

- We are all being asked to look at our carbon footprint. Man-made aspects of the area are very ordinary, whilst the natural world dimensions of the place are both striking and stunning. The area between Rhu and Shandon is home to large number of birds. We would not want to see them driven away elsewhere through destruction of their habitat by infilling bays and turning the area first, into a building site, and then into another suburban sprawl of housing schemes.

*Comment: The Marina is designated a PDA for a mixed use development comprising Housing, Leisure, Tourism, Business and Retail. Ecology/Bio-diversity would be dealt with in detail during the processing of the planning application(s) for the PDA development.*

- This proposal is of such significance that it requires the removal of the current Conservation Area status and the re-zoning of Rhu as a Major Development Area. This is completely contrary to all existing planning guidance for Rhu. If Rhu Marina is to be improved this should be done sympathetically, retaining the current low visual impact with single storey buildings providing appropriate facilities for boat owners and boat storage.

*Comment: The Marina is designated a PDA for a mixed use development comprising Housing, Leisure, Tourism, Business and Retail. See also my assessment.*

- The masterplan contains a speculative Class 4 Office building, surely not permitted in a Conservation Area.

*Comment: There is nothing inherently problematic with a Class 4 Office use in a Conservation Area. The Marina is designated a PDA for a mixed use development comprising Housing, Leisure, Tourism, Business and Retail.*

- The effect of the decision of the PPSL Committee in November 2011 is to severely limit the amount of information that would normally be required in respect of the guidance in Planning Advice Note (PAN) 83 on Masterplans. Consequently, the masterplan is nothing more than an identification of uses and indicative outline of what buildings may look like. This runs contrary to the Council's philosophy on Conservation Areas i.e. Article 4's etc.

*Comment: See my assessment.*

### **Rhu Marina Developments Ltd Supporting Statement**

We refer to the Community Council representations dated 19 April 2013 as submitted to the Council for the above two planning applications coupled with the masterplan submission.

Together with my colleagues involved in this project, we were present at both consultative meetings and we are surprised that their letters of representation following these meetings are worded as they have been.

The Community Council state at the second paragraph of their submission that they are mindful of their responsibility to represent the views of the community and that their views have been taken into account in preparing the Community Council's submissions. It is our view, for the reasons given below, that this is not the case as the submissions do not fully reflect the views made at the two meetings of 2<sup>nd</sup> and 15<sup>th</sup> April, and we consider that their comments are not representative of the views of the community and do not give a balanced view of the meetings and comments made.

The Community Council submission refers to the two meetings and states correctly that there was significant support for development of the marina, but with certain reservations, but that this was offset by a 'substantial portion of the community who expressed disagreement'. The figures can be seen in the notes of the meeting of 15 April on the Community Council website as follows.

Agreed with the proposals	7	5.2%
Agreed with reservations	78	58.2%
Disagreed	44	32.9%
No comment	5	3.7%
Total	134	100%

However the Community Council have now left out of their notes of the meeting and their power point presentation, which is now on their website, what was asked of those attending under the above heading of 'Disagreed', which was 'Disagreed with reservations' and not 'Disagreed'. I personally asked what the difference was between 'Agreed with reservations' and 'Disagreed with reservations', and it was considered by the Chairman that it was a question of degree of reservation, but not complete disagreement with the plans, which is now implied in the summary above from the Community Council notes of the meeting.

Looking also at the specific comments made by the various people who spoke at the 15 April meeting, there are the following people who stated any significant reservations.

Patrick Whitaker	Heights and access
Arnold Bretman	Affordable housing and effects on the Bay
Steven McColl	Infilling of bay
Robert Vance	Overall objection

This is 4 out of 134 present, of which only one is a complete objection to the plans. There were the following in support who spoke, i.e. 3 out of 134 present.

Jeremy Spounge  
Fraser King  
Colin McKirby

In the light of the above and the vote taken, it was suggested by Jeremy Spounge that, in view of the majority of opinions expressed, the Community Council should be generally supportive of the masterplan when making representations to the Council, but to then state in their submission to the Council what specific objections they considered should be addressed. This seemed to have the approval of those present. Despite this appeal, the Chairman was not in favour of this approach, and said he was preparing to make any submission based on an overall objection to the plans. Indeed in the draft minute of the Extraordinary Meeting posted on the RSCC website, it is minuted that the chairman considered "that objection would be a stronger starting point for further negotiation."

We are aware of and have studied all the comments/objections from the meetings and also on the Council website, and the issue that concerns people the most has always been the height of buildings. Previous to these meetings, the last submission was a Development Framework about two years ago, which talked of four storey buildings which was considered to be too high. The masterplan now tabled is based therefore on a maximum of 2.5 storeys high and with an overall height now of no more than 16m above datum.

In summary of the position of the meeting of 15 April, and in a similar way the same applies to the analysis of the exit poll of the meeting of 2 April, our view is that the notes and representations by the Community Council are not fully representative of the views expressed openly by the residents of Rhu at these meetings.

More importantly, turning now to the Community Council submissions referred to above, and with respect only to the section on the masterplan, we would make further comment on the points made by the Community Council as follows.

Using the same order of numbering as their submission our comments are as follows:

### 1. Land Reclamation

The area of land to the northwest of the PDA is necessary to provide both open and public space, improved public access and provide all the facilities that are also discussed below. The area to the west will be the focus for the local community and also for visitors to Helensburgh/Rhu. This would not be possible without the relatively small added infill. We would point out that this area was previously identified and included in all the many earlier submissions and masterplans to the Council back around 2007 and earlier, and planning permission was received for this infill area in 2008 under permission numbered 04/01218/DET dated 4 Feb 2008.

### 2. Conservation Area

The site was agreed some time ago within the current Local Plan as a mixed use site within the conservation village of Rhu. The current masterplan has been prepared on that basis. With respect to the buildings and heights, these are now very significantly less than that included in the original masterplan submission made by Keppies in July 2005 at the stage of the representations for the current Local Plan. The Crown and RMD are now quite agreeable to limiting the height of buildings to 16m maximum above datum.

### 3. Coastal Development

See below for comments on specific buildings.

#### 4. Specific Buildings

- (a) Residential units. In our view, and this is backed up by the specific interest already shown in the development, there is a significant demand for quality coastal housing and it is clear to everyone that there is a lack of other sites, due primarily to Green Belt. The provision of some residential accommodation on the site creates a sense of place and security. These issues were carefully considered at the time of agreeing the current Local Plan.
- (b) Clubhouse. Noted and agreed
- (c) Aparthotel. The proposal is not for a hotel that is similar or in competition to other local hotels. The proposal here is for an aparthotel, which had previous planning approval under permission numbered 04/01218/DET dated 4 Feb 2008, and which incorporates larger self-catering studios and apartments for visitors and tourists to the area, linked to the marina by its location. This is similar to the apartments built at Portavadie marina.
- (d) Business block/ offices. The business block is included to house several of the existing businesses that are on the site which could also include some aspects of the current tenants, but this has not been discussed with them. We have also noted that the Coastguard building has been removed so possibly the Coastguard may require a building. Apart from the GSS operation, there are three other existing businesses on the land to the west currently providing marina style services, before any new ones are considered. Such businesses all supplement the marina operation, and continue to provide local employment that would be lost without this business block.
- (e) Facilities Building. The Crown has recently reduced the height of the Facilities building to 15M. Internally it is of a size which seems more than adequate for their own administration and may be able to provide office space for other tenants. However, we are not privy to The Crown's management plans so The Crown would have to comment further on the detail here if required.
- (f) Convenience Store. The Crown has advised that they have received interest from two retailers for the unit as shown, and as such would wish this to remain as part of the mixed uses for the site. In our view, a business case will be prepared for this when any planning application is submitted.
- (g) Restaurant. It is noted that the Community Council consider a restaurant is appropriate.

#### 5. Boat Storage and car parking

The masterplan states that, at the stage of a detailed planning application, the parking will be required to meet the current standards. The boat storage shown on the masterplan is for a summer configuration. There is also a winter configuration drawing available which we have asked The Crown to be submitted.

#### 6. Traffic Flows

'Exacerbated' is considered to be a rather biased comment as the residential units would account for less than 10 per cent of the total traffic and would generally not be using the access at the same time as the marina users.

#### 7. Temporary arrangements applied for by GSS

There are a number of options within the buildings shown on the masterplan, and the tenant concerned is in discussions with The Crown.

#### 8. Local Plan departures

These points are noted which will be addressed by the Council presumably.

#### 9. General comment on village amenity

The purpose of the overall development is to improve the amenity for village and get away from what people view as a messy car park in the summer and an equally messy boatyard in the winter, with little or no amenity at any time of the year, and rather a dead place other than when boat owners are there in the summer at the weekend. Tidying the place up will not really change this at all in our view, and any significant improvement of amenity for village will only be achieved by the wider site having the facilities and space to provide an improved amenity.

#### 10. Affordable Housing

The requirement to provide affordable housing will be met under the terms of the ABC Local Plan policy, most likely by a Section 75 agreement.

#### 11. Public Space

Considerable effort has gone in to providing public and open space on the masterplan which is only achieved and achievable by the added infill area and the funding for the open space that will come from aspects of the development as shown. Particularly being an important conservation area it is essential, in our view, that these open spaces, suitably landscaped, are provided.

#### 12. Implementation

As stated in the masterplan, the phasing on all sides will be market led.

#### 13. Landscaping

It is agreed that structured tree and other planting is required for the successful development of the site. This will be considered in greater detail at the next stage of the planning process where the selection of species will also require careful consideration in view of the site's waterfront location.

RMD is not authorised to comment on the detailed planning applications by either The Crown for the Facilities Building or GSS for the Temporary Accommodation.

RMD concludes with making the point again that they consider that the submission to the Council by the Community Council with respect to the masterplan does not represent the views of the community in a balanced manner which they should consider as being their duty.

RMD would reiterate that the masterplan has been prepared on the basis of the mixed uses as prescribed in the current Local Plan. It also seeks to encourage locals and visitors to the area to integrate through the development, through safe pedestrian access, promenade walks culminating in a large landscaped public realm area which provides panoramic views across the Gareloch, further enhanced by a public viewing jetty. The development proposals link in to the promenade at Helensburgh, Kidston Point, and Rhu village, providing a destination point for locals and tourists alike which, together with the various uses, provides an area with varying activities bringing added life to the site and to the village.

### 7. **ASSESSMENT**

**List of all Development Plan Policy considerations taken into account in assessment of the masterplan.**

'Argyll and Bute Structure Plan' (2002)

Policy STRAT SI 1 – Sustainable Development.

Policy STRAT DC1 – Development within Settlements

Policy STRAT DC 7 – Nature Conservation and Development Control

Policy STRAT DC8 – Landscape and Development Control

Policy STRAT DC9 – Historic Environment and Development Control

Policy STRAT DC 10 – Flooding and Land Erosion.

'Argyll and Bute Local Plan' (2009)

Policy LP ENV 1 – Development Impact on the General Environment -

Policy LP ENV 2 – Development Impact on Biodiversity

Policy LP ENV 7 – Development Impact on Trees/Woodland

Policy LP ENV 12 – Water Quality and Environment

Policy LP ENV 13(a) – Development Impact on Listed Buildings

Policy LP ENV 14 – Development in Conservation Areas and Special Built Environment

Policy LP ENV 19 – Development Setting, Layout and Design

Policy LP CST 1 – Coastal Development on the Developed Coast (Settlements and Countryside Around Settlements)

Policy LP BUS 1 – Business and Industry Proposals in Existing Settlements

Policy LP RET 3 – Retail Developments in the Villages and Minor Settlements -

Policy LP BAD 1 – Bad Neighbour Development

Policy LP BAD 2 – Bad Neighbour Development in Reverse

Policy LP TOUR 1 – Tourist Facilities

Policy LP HOU 1 – General Housing Development

Policy LP HOU 2 – Provision of Housing to meet Local Needs including Affordable Housing.

Policy LP HOU 4 – Housing Green-Space

Policy LP SERV 1 – Private Sewage Treatment Plants and Wastewater

Policy LP SERV 3 – Drainage Impact Assessments

Policy LP SERV 5 – Waste Related Development and Waste Management in Developments

Policy LP SERV 7 – Contaminated Land

Policy LP SERV 8 – Flooding and Land Erosion

Policy LP TRAN1 – Public Access and Rights of Way

Policy LP TRAN 2 – Development and Public Transport Accessibility

Policy LP TRAN 3 – Special Needs Access Provision

Policy LP TRAN 4 – New and Existing Public Roads and Private Access Regimes

Policy LP TRAN 5 – Off Site Highway Improvements

Policy LP TRAN 6 – Vehicle Parking Provision

Policy LP TRAN 8 – Piers and Harbours

Policy LP REC 1 – Sport, Leisure and Recreation

Policy LP DEP 1 – Departures to the Development Plan

#### **A. Development Plan Context**

The masterplan site lies within the 'settlement' boundary of Rhu and within the Conservation Area. It is designated as Potential Development Area (PDA) 3/29. The PDA proposals for this specific location are an expression of the Local Plan's objectives for the site.

Potential Development Area 3/29 advocates the development of a mixed housing/leisure/tourism/business/retail related scheme. No specific density is advocated but there should be 25% affordability in terms of the residential element. The Masterplan does not conform with the PDA boundary. The extension to the West reflects the previous planning application approved in 2008 under reference 04/01218/DET which did include an extension to the West through infilling. This area of infill is to be retained as part of the masterplan and assists in creating a substantial area for public realm and, potentially, strategic planting.

#### **B. Settlement Strategy**

The masterplan site is primarily split into two halves. On the east side is the redeveloped Marina incorporating a number of new buildings. These are two Marina amenities buildings, both 2 storey and both 765 square metres. The first has non-food retail and office while the second has non-food retail, office and restaurant. A single storey 3000 square foot food retail store is shown close to the North-East boundary. Car parking, boat storage and two pontoon/jetties are also indicated.

The western part of the larger site comprises a 2 storey, 410 square metre clubhouse, a 2 storey, 500 square metre Class 4 Office, a 5 unit, 2 storey residential block, a 15 unit, 2 and a half storey residential block and a 2 and a half storey studio apartment/boutique hotel with 20 rooms for rental. The existing access close to the eastern boundary is intended to serve the whole site and car parking is based on Council standards, subject to ratification by the Area Roads Manager.



Under Policy STRAT DC 1 – Development within the Settlements, in small towns and villages such as Rhu, encouragement is given to development serving a wide community of interest, including ‘medium scale’ development on appropriate infill, rounding-off and redevelopment sites. Medium scale development is defined in the Local Plan as development of between 6 and 30 dwellings. In exceptional cases, ‘large scale’ development may be supported if it helps to counter population decline in the area, would help to deliver affordable housing, or else meet a particular local housing need. Large scale development is defined in the Local Plan as development exceeding 30 dwelling units.

Under Policy LP HOU 1 there is a general presumption against ‘large scale’ housing development in small towns and villages. Exceptions apply where there is a deliberate attempt to counter population decline, to develop affordable housing, or else meet a particular housing need. However, within PDA’s these constraints are removed and the issue becomes the assessment of the site based criteria including the impact on Rhu Conservation Area. There is therefore a general presumption in favour of this development in terms of the ‘Argyll & Bute Local Plan’

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

This site extends to approximately 4.5 hectares and is located between the A814 and the Gareloch. It is predominately brownfield land within the settlement boundary and within Rhu Conservation Area. It has been used as a marina for many years and incorporates a number of uses. As the site is within the Conservation Area any development needs to meet the statutory duty to have regard to how it will either preserve or enhance the Conservation Area

Local Plan Policies LP ENV 1, LP ENV 13(a), LP ENV 14, LP ENV 19, Appendix A and The Council’s ‘Sustainable Design Guidance’ gives advice on how to approach sustainable urban infill. The Design Guide offers three possible solutions. The first is contemporary landmark which is sensitive design of a high architectural quality which is essentially of a different architectural style to the buildings surrounding it. The second option is a design which more obviously is based on the architecture of the buildings adjacent. Finally, there is traditional design.

A Design Statement has been submitted. It indicates that the maximum height of buildings would be no greater than two and a half storeys. The mixed uses for the site allows for properties of different heights thus providing a much desired varied roofscape ranging from one and a half to two and a half storey. A limited three storey architectural feature may also be introduced to provide a focal point within the development.

Whilst recognising the vernacular forms generally experienced in the conservation village, the Design Statement indicates that the buildings will be designed with a form and massing derived from traditional Scottish Architecture however presented in a contemporary image that reflects the requirements of a modern living and working environment. The materials selected will be from a traditional palette utilising slate, stone and render.

The submitted drawings indicate simple forms of residential development that would require to be improved in terms of vernacular or contemporary designs forming a cohesive theme for the development. Elevational drawings also show the Aparthotel, Clubhouse and the Facilities Building which is the subject of a current application (11/00789/PP). The drawings indicate a scheme that establishes layout, servicing and infrastructure requirements. However, as the submissions provide indicative options of how the site could generally be developed, this would need to be further explored in terms of establishing key viewpoints around the site, in order to establish landmark features to devise a suitable form of development that could be successfully integrated into its wider setting. In principle the overall design and layout is acceptable as is the use traditional materials such as slate.

## **D. Natural Environment**

Policy STRAT DC 7 of the Structure Plan states that development which impacts on wildlife sites or other nature conservation interests, including sites, habitats or species at risk will be assessed on its acceptability balanced with social and economic considerations. It also notes that enhancements to nature conservation issues are encouraged. There are no protected sites on the site, and this proposal would remove environmental degradation.

Policy LP ENV 2 refers to biodiversity and Policy ENV 6 refers to habitats and species. Survey work to address the prevailing distribution of species of interest prior to commencement of development would be appropriate.

## **E. Fresh Water, Marine Environment and Biodiversity.**

Policy LP ENV 12 resists development which would have a significant impact on the water environment unless the effects can be fully mitigated. Given that the site includes reclaimed land and with the implementation of appropriate mitigation measures, it is not considered that the proposed development would detrimentally impact on the water environment.

## **F. Landscape Character**

Acceptability of the current proposal will be fully dependent on the successful integration of the development in its landscape context through structured tree and other planting. Whilst some is indicated on the amended plans more would be required. A strong and substantial boundary treatment, particularly adjoining the A814, would be a prerequisite of any subsequent planning application(s) for the wider marina development.

## **G. Affordable Housing**

The PDA specifies that 25% of the proposed residential units should be affordable. The owners have indicated that, in accordance with Option C of the Policy LP HOU 2, their preferred option is to provide affordable housing off-site by means of a Section 75 agreement with the Council to facilitate the delivery by way of a commuted sum. In principle this is acceptable for this specific location.

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

The site will be accessed via the existing access onto the A814. Given the scale of development the internal road would require to be to adoptable standard and some amendments would be required in terms of parking spaces and sightlines. Following discussions, the amendments have been incorporated into the indicative layout and the Area Roads Manager has no objections in principle.

## **I. Infrastructure**

SEPA and Scottish Water have no objections in principle but offer advisory comments regarding, *inter alia*, flood risk, waste water and surface water drainage, pollution and environmental management and space for waste management within the site layout.

A SuDS scheme is proposed and ground floor levels will be agreed to meet the requirements of SEPA. Notwithstanding this, a Drainage Impact Assessment and Flood Risk Assessment will be required in support of any subsequent planning application for the redevelopment of the wider site. Stage one of the development programme will be the

construction of the new Facilities Building with the rest of the redevelopment being led by market demands.

## **J. Flooding**

SEPA have indicated no objections in principle but a Flood Risk Assessment (FRA) will be required. This is reiterated in the response from the Council's Flood Alleviation Officer. A FRA should be submitted which identifies the minimum FFL required. It should also address how the building and car park area will be safely managed in regard to flood events. It is considered that these issues can be dealt with in subsequent planning application(s) for the wider marina development.

## **K. Other Key Policy Matters**

LP CST 4 – Development Impact on the Foreshore, would apply to this site. The site edge adjoining Gareloch is primarily defined by an artificial embankment of filled material and by boat berths. It is considered that the development, including some additional infill previously approved under application 04/01218/DET but now time expired, would not damage the limited natural foreshore area.

Over and above the proposed residential development, facilities building, bar/ restaurant, Clubhouse and boutique aparthotel, a commercial business unit comprising Class 4 Offices with small workshop and commercial units are also proposed. It is considered that the form and scale of the workspace elements of the proposal are compatible with the requirements of Policy BUS1 in that this is a brownfield site within an existing settlement.

Retail units and a 3000 square feet food store were initially proposed. Policy RET 3 presumes in favour of Use Classes 1, 2 and 3 and allows for up to 1,000 square metres of retail space. The PDA designation allows an element of retail and the retail units associated with the operation of the marina would in principle be acceptable. However, I consider that a food store would not be appropriate at this location because of the potential impact on the existing shops in the village and because such a use would sit uncomfortably with the marina facility. Following discussions, it has now been removed from the masterplan. In its place, the owners have indicated three potential uses for the building: Class 4, Business, Class 6 Storage or Distribution and Class 10, Non-Residential Institutions. Of these Class 4 would be acceptable under the PDA designation while the Use Classes Order allows a change from Class 4 to Class 6 without needing planning permission subject to a maximum floor space of 235 square metres. Class 10 uses include, *inter alia*, a crèche, a building for the display of art, museum, library or public hall. Although not specified in the PDA designation it is considered that they would, in principle, be compatible with the other uses proposed.

## **L. Conclusion**

PDAs are defined in the adopted Local Plan as areas of land within which opportunities may emerge during the period of the Local Plan (5 to 10 years) for infill, rounding-off, redevelopment or new development. Such opportunities as were identified were not fully resolved at the time of the adoption of the plan, which requires constraints to be overcome in terms of the 'mini development brief' accompanying these PDAs before development opportunities within the PDA area can be realised and be supported by the Local Plan.

The Council supports developments that contribute to the economic vitality of a place such as Rhu. Both the Scottish Government and the Council places the delivery of sustainable economic growth as its number one objective. In the case of Rhu Marina it is also important to look at the wider benefit of a new facility that creates a better sense of place and links to Helensburgh's Esplanade where new businesses want to locate to, provide local jobs and sustain a growing economically active population. Such development

supports the objectives of the area's community plan and is vital if we are to retain important services.

As indicated above the development potential of these areas, in normal economic circumstances, is seen over a period of 5 to 10 years. In difficult economic times the development timescale may be elongated but their importance becomes even more significant both locally and in the wider perspective. In either scenario a masterplan is in this particular instance, by its very nature, neither a prescriptive document detailing every last aspect of the proposed future use of the site allowing no flexibility nor is it a blank canvas on which many different and alternative scenarios are played out to the n<sup>th</sup> degree. The issue is whether it is fit for purpose.

The masterplan, whilst indicative, gives all interested parties, whether for or against the scheme, together with statutory consultees, sufficient detail to assess the future redevelopment of the site. Assessed against Development Plan Policy and other material considerations the components of the mixed-use scheme are considered to be compatible with PDA 3/29. As such it is considered fit for purpose. It is recommended that, subject to a Hearing, it be approved and endorsed as a material consideration in the assessment of the current planning application for GSS reference 12/01696/PP.

## **IMPLICATIONS**

Policy: None

Financial: None

Personnel: None

Equal opportunities: None

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