

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 12/01696/PP

**Planning Hierarchy:** Local Application

**Applicant:** GSS

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

**Site Address:** Rhu Marina, Pier Road, Rhu

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**DECISION ROUTE**

Local Government Scotland Act 1973

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**(A) THE APPLICATION**

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

- Change of use of land for the temporary siting of a modular building (office accommodation and welfare facilities);
- Installation of 2 containers;
- Installation of pontoons for docking;
- Erection of 3 metre high boundary/security fence.
- Parking

**(ii) Other specified operations**

- Connection to existing public water supply and public sewer;
  - Use of existing access
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**(B) RECOMMENDATION:**

It is recommended that:

- i) Planning permission be approved as a 'minor departure' to the provisions of the development plan;
- ii) Subject to the conditions and reasons set out overleaf , and

- iii) Subject to a discretionary local hearing being held prior to the adoption of the Masterplan and the determination of the application.

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**(C) HISTORY:**

C.1693	Infilling of foreshore	Granted	14.12.59
C.1971	Siting of caravan	Granted (1yr)	14.08.61
C.2104	Erection of house	Granted	24.10.62
C.2135	Display of sign board	Refused	30.01.63
C.2157	Erection of dwellinghouse	Granted	27.03.63
C.2157/1	Amended siting of house	Granted	28.08.63
C.2531	Construction of breakwater/car parks & winter boat storage	Granted	23.02.66
C.2576	Erection of Clubhouse	Granted	23.02.66
C.2579	Use of caravan as temporary office	Granted (1yr)	23.02.66
C.2784	Display of advance direction sign	Granted (5yrs)	08.05.67
C.2755	Siting of 2 caravans (yacht club)	Granted	26.04.67
C.2944	Change of use of house to clubhouse	Granted	28.02.68
C.3179	Display of signboards	Granted (5yrs)	26.03.69
C.3182	Display of signboard	Granted (5yrs)	26.03.69
C.3223	Display of signboards	Granted (5yrs)	28.05.69
C.4499	Display of signboard (2) (Mrs Aitken)	Granted (5yrs)	30.01.74
C.5023	Formation of marina/restaurant/clubhouse/office and chandlers shop (OA)	Granted	25.05.76
C.5023	Formation of marina and car park (RM)	Granted	26.10.76
C.5024	Erection of chandlers shop	Granted	25.05.76
C.5024/1	Amended position of chandlers shop	Granted	24.03.77
C.5193	Display of signboard	Granted (5yrs)	28.09.76

C.5193/1	Amended plan for signboard	Granted (5yrs)	29.03.77
C.5381	Display of illuminated sign (Superseding C.5193/C.5193/1)	Granted	2.06.77
C.6276	Use of part of car park for 12 brokerage boat stands	Granted (1yr)	23.09.80
C.6276/1	Renewal of part of car park for 12 brokerage boat stands	Granted	27.10.81
C.6277	Use of part of car park for storage of boats	Refused	28.10.80
C6444	Diesel oil storage and compound	Granted	24.03.81
C.6447	(A) Stone breakwater (B) Boat storage area	Granted	28.04.81
C.6447	Solid breakwater proposals (F.O.C.)	Granted	21.06.82
C.6447	Solid breakwater proposals (landscaping)	Granted	11.05.83
C.7194	Storage of boats	Refused	09.03.84
C.7415	Storage of boats on foreshore	Granted	05.06.85
C.7415	Storage of boats on foreshore (Landscaping - FO.C.)	Granted	16.12.85
C.8660	Display of signboard	Granted	12.02.90
C.9646	Finger piers - replacement boat hoist	Granted	13.09.94
C.9647	Storage of 52 boats for temporary period	Granted	12.10.94
C.9692	Erection of lifeboat station	Granted	25.01.95
C.9931	Relocation & change of use of former RNLI building to repair workshop	Granted	18.03.96
96/00515/DET	Construction of docking piers	Granted	10.05.96
96/01112/DET	Construction of stone breakwater	Granted	07.11.96
97/01415/COU	Part change of use of car park to boat storage area (temporary)	Granted	05.11.97
A.301	Garage and office (for coastguard)	No objections	

98/01099/DET	Extension to breakwater	Granted	11.01.99
98/01100/DET	Infilling works to provide a revised layout of berths via floating pontoons, car parking area and erection of new building to provide public bar, restaurant, hotel (class 7), office accommodation (class 4) and ancillary facilities. Granted 29.07.99		
04/01218/DET	Infilling works to provide a revised layout of berths via floating pontoons, car parking area and erection of new building to provide public bar, restaurant, hotel (class 7), office accommodation (class 4) and ancillary facilities. (Renewal Application) Granted 04.02.08		
11/00789/PP	Erection of marina facilities building incorporating office space, cafe, marina chandlery, associated marina facilities and retail (Pending consideration)		

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**(D) CONSULTATIONS:**

<b>SEPA</b>	(18.02.13)	No objections on flood risk grounds. However, but recommend that Flood Prevention Officer ensure appropriate flood mitigation measures
<b>Flood Prevention Officer</b>		No objections in principle, but requested further information regarding finished floor levels and an evacuation plan.
<b>Public Protection</b>	(21/12/12)	No objections in principle, but request further information regarding the servicing of vehicles at the pontoon.
<b>Scottish Water</b>		No response
<b>Roads Engineer</b>	(21.12.12)	No objections subject to parking provision being available prior to business opening.

**Rhu & Shandon Community Council** (letters dated 31.10.12 and 17.04.13)

This area is designated under the current 2009 Local Plan as a Potential Development Area PDA 3/29. Under Argyll & Bute 2009 Local Plan, this PDA requires an approved Masterplan as described in Scottish Government Planning Policy

At a meeting of the PPSCL of A&B C on 23 November 2011 a report on the Guidance on the Use of Masterplans was approved. This effectively requires that a Masterplan be submitted to support any development in a PDA.

R&S CC are unaware of any such Masterplan having been submitted neither to inform the Planning authorities, nor for public consultation, and we do not believe that such a Masterplan has been approved.

In the absence of such a Masterplan it is impossible for the Planning Authorities, or the general public, to understand the context in which this proposed application should be considered.

The fact that this is a temporary application is irrelevant as the policy does not distinguish between temporary and permanent development proposals.

Regardless of the Masterplan issue the proposal introduces an ugly development into a conservation village and should be rejected on these grounds alone.

Included in the proposal is a new pontoon for “servicing vessels”. The details provided imply that the proposed pontoon may well be a permanent structure. In addition, it is unclear whether the servicing of vessels is not an additional new activity, nor is the extent of the kind of works to be undertaken indicated. This might be interpreted as extending the class use of the Rhu Marina site beyond its current Class 4 designation.

### **Comments on Application 12/01696/PP in relation to Masterplan**

R&S CC wish to encourage local businesses and appreciate that this application is designed to provide a temporary facility for a key local employer. However, in the absence of an agreed and approved Masterplan which clearly provides for a permanent solution there is reluctance to support a temporary facility which is not strictly limited in time. As such, pending agreement on a Masterplan for PDA 3/29 R&S CC reluctantly continues their objection to the application for these temporary facilities. Specifically:

This area is designated under the current 2009 Local Plan as a Potential Development Area PDA 3/29. Under Argyll & Bute 2009 Local Plan, this PDA requires an approved Masterplan as described in Scottish Government Planning Policy (e.g. PAN 83, 2008), particularly as schedule 3/29 highlights the need for such a Masterplan.

Whilst the recently published Masterplan is a major step forward it has deficiencies, particularly in respect of clear provision of long-term permanent facilities to replace the temporary facilities proposed under this application.

The fact that this is a temporary application is irrelevant as the policy does not distinguish between temporary and permanent development proposals.

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

Included in the proposal is a new pontoon for “servicing vessels”. The details provided imply that the proposed pontoon may well be a permanent structure, but it does not appear in the overall draft Masterplan. Whilst it is understood that this pontoon is principally to accommodate workboats away from the yachts in the marina there is a concern that it may, possibly by default, introduce the servicing of vessels (in the sense of repair and modification rather than provisioning and manning) as an additional new activity, which might be interpreted as extending the use of the Rhu Marina site beyond its current Class 4 designation.

Should A&BC be minded to approve this temporary application then then R&S CC may be able to support it provided the conditions stipulated below are imposed and strictly enforced.:

The protective 3m high fence surrounding the site should be constructed to screen the site from the A814 road and the approaches to the marina and be more aesthetically acceptable.

Any consent must be strictly temporary and the timescale adhered to. 24 months is suggested, with an absolute limit of 36 months.

It is preferred that temporary facilities are not built and used until the existing facilities are due for demolition.

A permanent provision for all the temporary facilities must be clearly indicated in the Masterplan for PDA 3/29.

For the avoidance of doubt no Use Class 5 activities are to be permitted on the site.

Activities must be conducted so as to restrict noise pollution on nearby residences, and if essential limited to normal working days and hours.

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**(E) PUBLICITY:** Setting of Listed Building/Conservation Advert (expiry date 20.09.2012)

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**(F) REPRESENTATIONS:**

37 e-mail and letters of objection and 11 e-mails of support have been received.

**Objectors**

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 and 18/04/13)

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

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-mail dated 19/09/12)

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-mail dated 03/04/13)

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)

**(i) Summary of issues raised**

- The proposal is contrary to the adopted Local Plan which states that before any development of the Marina proceeds, a master plan/co-ordinated approach has to be adopted. No such master plan/co-ordinated approach has been developed and approved for the Rhu Marina site. The significance of the approach for master plans for Potential Development Areas (PDAs) was reinforced by the

PPSL Committee on 23 November 2011 which approved a report on the Guidance on the Use of Master Plans. No master plan has been submitted with this application. Given the controversy associated with the recent planning application by The Crown Estates which has been delayed pending approval of an appropriate master plan, the planning authority should adopt the same approach and insist on a master plan before this application is considered.

*Comment: A masterplan has been submitted. See my assessment.*

- Inadequate information concerning the nature of the vessel servicing that is proposed. The proposal states that a new pontoon is being installed to service vessels. There is no description of the vessels (commercial or pleasure) that will be serviced. Additionally, no description of the type of servicing is provided. Currently this company causes nuisance to neighbours while working in other areas of the Marina. The Environmental Health Department has not been consulted on the impact of changing the allowable use in this area. There has been no study done and the applicant has a history of causing nuisance. The current planning use for the Marina site under The Town and Country Planning (Use Classes) (Scotland) Order 1997 is a Class 4 Business use. That is use as an office, for research and development and for any industrial process which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The applicant should be asked to submit details of the types of vessels that will be serviced and the nature of the servicing that will be carried out in order to assess whether the proposed use would satisfy the residential test under Class 4. Additionally, (subject to having approved a master plan) should the planning authority consider approving this application, appropriate conditions should be included within the approval limiting the noise that can be emitted from the site and the hours during which vessel servicing and other work carried out by the applicant will be permitted.

*Comment: GSS have been operating out of Rhu Marina for 25 years and have indicated that nothing will be changing in their operational process due to its new location within the Marina. See also my assessment.*

- The fact that this is a temporary application is irrelevant as the policy does not distinguish between temporary and permanent development proposals. In the light of the above A&B Council should decline this application.

*Comment: See my assessment.*

- The application is for portacabins and containers covering an area of over 36 metres long bounded by a 3 metre high security fence, visible from the A814. (There are no dimensions giving the length of the perimeter fence). Rhu is a conservation village hence any developments should be in keeping. An industrial estate on a site surrounded by residential properties in a conservation village is unacceptable.

*Comment: See my assessment.*

- Rhu Marina is a centre for leisure. It's not an industrial centre and by allowing this company to carry out industrial practises, and turn this into a construction site dump for plant and waste materials, would have a detrimental effect on the leisure aspect of the Marina and the wider conservation area.



*Comment: See my assessment.*

- No neighbouring properties or businesses were notified about this application. I am aware of the 20 metre rule for neighbour notification under Planning Regulations. However, in a conservation area such as this when surrounding properties and businesses would be adversely affected by this development, then surely there should be discretion applied in invoking the 20 metre rule.

*Comment: The correct neighbour notification was carried out. In addition, the application was advertised. See also my assessment.*

- 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?

*Comment: The GSS proposal has now been included in the masterplan. See also my assessment.*

### **Supporters**

Jamie McGarry, Garelochhead Support Services Office, Rhu Marina, Pier Road, Rhu e-mail dated 30/01/2013)

John James Friel, 164 Orchard Park Avenue, Thornliebank, Glasgow (e-mail dated 31/01/2013)

Robin Flanagan MBE, Selkie, Shore Road, Clynder (e-mail dated 31/01/2013)

Alastair Paton, Office, Rhu Marina, Pier Road, Rhu (e-mail dated 01/02/2013)

Eric Robertson, Deeplands, Argyll Road, Kilcreggan (e-mail dated 01/02/2013)

John McMeeking, Ramah, Rhu Point, Ferry Road, Rhu (e-mail dated 01/02/2013)

Graham Walker, Laburnum Cottage, Barbour Road, Kilcreggan (e-mail dated 01/02/2013)

Dr Alan Devenny, The Orchards, Barbour Road, Kilcreggan (e-mail dated 02/02/2013)

Iain Kilgore, Craigrownie House, Shore Road, Cove (e-mail dated 18/02/2013)

Nicholas Cowie, Garemout Lodge, Shandon (e-mail dated 16/04/13)

Angus Macneil, Dunmore East, 1 Pier Road, Rhu (e-mail dated 20/04/13)

### **(i) Summary of issues raised**

- This application is a temporary movement of existing office premises within the grounds of the Marina. GSS employ a large number of local people at the head office and also an even larger number around the UK and throughout the world. GSS also supports a vast number of local employers and businesses ranging

from local garages for company vehicles, local plant hire companies, local printers, local post offices, local shops and hotels etc. The proposed development will ensure the company has the capacity to expand, move forward and develop the success and growth that it has shown over the past years. It will provide a new and modern work environment that has the space required for more staff to expand the company.

*Comment: See my assessment.*

- The proposed site is at present a dumping ground for unused equipment and does not look good. The new office will clear this and tidy up the surrounding area ensuring the appearance of the Marina is greatly improved.

*Comment: See my assessment.*

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## **(G) SUPPORTING INFORMATION**

**Has the application been the subject of:**

- (i) **Environmental Statement:** No
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** No
- (iii) **A design or design/access statement:** Yes
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** No

### **Applicant's Statement/Supporting Information**

#### GSS background

GSS is an expanding company based at Rhu Marina and plays an active role in marine construction and marine support services around the coast of Britain and mainland Europe, rapidly making a name for itself as a leading marine consultant and marine contractor. Projects supported by GSS include coastal work, bridge and marine work, piers and jetties, pipe and cable laying, welding and diving support and marine piling. And although MOD contracts comprise a substantial part of their workload, the company now undertakes major civil contracts in both Britain and Europe. This includes a move into the renewable energy industry, particularly in construction, support and repair and maintenance of offshore wind farms.

#### Site Requirements and expansion plans

Part of GSS's expansion process is to remain at Rhu Marina and continue to employ local personnel. In order to achieve this, GSS requires additional office space and following its discussions with Crown Estate aims to utilize a corner portion of the marina for the erection of a temporary office and pontoon for their marine work. Both structures are a 1 year temporary solution and allow Crown Estates time to provide GSS with a new larger permanent office solution. It is extremely unlikely that GSS's temporary building will be included in the latest

Marina masterplan due to its temporary status and the difficulties of getting agreement from all parties involved in the redevelopment, especially at this late stage. GSS are continuing to lobby its case with Crown Estates but should approval not be granted then GSS are going to be left in the unfortunate position of relocating to a different part of the Clyde. The 1 year approval will hopefully allow a period of time so that the building can be included in future revised masterplans and applications, should it not then the structures will simply be removed.

#### GSS operational hours

GSS's operational hours are between 07.30 and 16.30 daily. GSS have been operating out of Rhu Marina for 25 years and nothing will be changing in their operational process due to its new location within the Marina. The proposed temporary structure will simply give GSS some much needed office space for their expanding workforce. GSS will **NOT** be carrying out any fabrication in the yard and their operations are generally confined to vessel movements in and out of the Marina (which is also the case for ALL vessels in the marina including Yachts and Motor Boats), and unloading/loading plant & materials on an irregular basis

#### The Vessel sizes and type

The vessels that will be regularly berthing at Rhu will be MARY M, a Damen Multicat 10 x 5m and Julie M, a Multi-Role vessel MRV15 15.8 x 7.42m. Occasionally GSS will have a Multi Cat work boat berthing at Rhu which operates out of Lochgoil.

#### Temporary Use

We can confirm that GSS are currently engaged in negotiation of terms with The Crown Estate Commissioners for the construction and use of a temporary office and a temporary pontoon, bridge, containers and welfare office within Rhu Marina.

We can confirm that it is a provision of the terms under negotiation that GSS be required to remove the temporary buildings and structures on expiry of the occupation agreement, save that where the pontoons constructed were incorporated into the permanent development at the site that it is proposed that The Crown Estate Commissioners that the pontoons would remain and that GSS be granted exclusive rights to use them.

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#### **(H) PLANNING OBLIGATIONS**

**Is a Section 75 agreement required:** No

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

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**(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

**(i) List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 1 – Development within the Settlements  
STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

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

LP BUS 1 – Business and Industry Proposals in Existing Settlements

LP CST 1 – Coastal Development on the Developed Coast

LP BAD 1 – Bad Neighbour Development

LP SERV 8 – Flooding and Land Erosion – The Risk Framework for Development

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

LP TRAN 6 – Vehicle Parking Provision

LP TRAN 8 – Piers and Harbours

LP DEP 1 – Departures to the Development Plan

Appendix A – Sustainable Siting and Design Principles

Appendix C – Access and Parking Standards

Potential Development Area (PDA) 3/29 identified for a mix use development including Housing/Leisure/Tourism/Business/Retail.

**(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.**

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

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

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

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

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**(O) Requirement for a hearing (PAN41 or other):** Thirty seven e-mails and letters of objection and eleven e-mails of support have been received plus an objection has been raised by the Community Council. Whilst the proposal is for a temporary permission by an existing business within the same location, it is considered that a discretionary local hearing would be justified in this circumstance.

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

Planning permission is sought for the change of use of land for the temporary siting of a modular building (office accommodation) with associated parking, 2 containers, welfare facilities, installation of pontoons and the erection of a 3 metre high security fence. The site is within the 'settlement' boundary of Rhu as defined by the adopted Local Plan and within Rhu Conservation Area. Within the settlement boundary there is a presumption in favour of development subject to site specific criteria being met. In this instance, the development must also preserve or enhance the character and appearance of the Conservation Area. The site is also part of the larger Potential Development Area (PDA) 3/29 identified for a mix use development including Housing/Leisure/Tourism/Business/Retail. Policy LP STRAT 1 and LP STRAT DC 9 of the Structure Plan and Policies LP ENV 1, LP ENV 14, LP ENV 19, LP BUS 1, LP BAD 1, LP CST 1, LP HOU 1, LP TRAN 6, LP TRAN 8, LP DEP 1 and Appendix A and C of the adopted Local Plan are applicable.

An amended masterplan has now been submitted for the wider PDA. In relation to the current application, it now shows the current GSS proposal. A separate report on the masterplan, including third party representations and the views of statutory consultees, is also on the Agenda for consideration by Members.

The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property, is temporary in nature and will have a positive economic impact. It can therefore be justified as a minor departure to Policy LP ENV 14. The proposed pontoons sit comfortably with the existing Marina apparatus. As such they will have a neutral impact on the conservation area and accord with Structure Plan Policies STRAT DC 1 and STRAT DC 9 and Local Plan Policy LP ENV 14.

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

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

The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property, is temporary in nature and will have a positive economic impact. It can therefore be justified as a 'minor departure' to Policy LP ENV 14. The proposed pontoons sit comfortably with the existing Marina apparatus. As such they will

have a neutral impact on the conservation area and accord with Structure Plan Policies STRAT DC 1 and STRAT DC 9 and Local Plan Policy LP ENV 14.

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

The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property, is temporary in nature and will have a positive economic impact. It can therefore be justified as a 'minor departure' to Policy LP ENV 14. The proposed pontoons sit comfortably with the existing Marina apparatus. As such they will have a neutral impact on the conservation area and accord with Structure Plan Policies STRAT DC 1 and STRAT DC 9 and Local Plan Policy LP ENV 14.

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**(T) Need for notification to Scottish Ministers or Historic Scotland: No**

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**Author of Report:** Howard Young

**Date:** 29/05/2013

**Reviewing Officer:** Richard Kerr

**Date:** 03/06/2013

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

## **CONDITIONS AND REASONS RELATIVE TO APPLICATION 12/01696/PP**

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

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

2. The development shall be implemented in accordance with the details specified on the application form dated 06/08/2012 and the approved drawing reference numbers L000, Location Plan, L001, Site Plan, L002, Proposed Plan and Elevations, Plan 4 Pontoon Plan and Elevations, Plan 5 Container Specification, Plan 6 Fence Detail, Plan 7 Swing Gates, Plan 8 Elevation of Security Fence unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

*Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.*

3. Development shall not begin until samples of materials to be use (on external surfaces of the buildings and/or in constriction of hard standings/walls/fences) have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

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

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

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

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

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

## **NOTES TO APPLICANT**

1. In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.

2. In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
3. Please note that the Area Roads Manager has no objections subject to parking provision being available prior to the business opening.



## APPENDIX A – RELATIVE TO APPLICATION NUMBER: 12/01696/PP

### PLANNING LAND USE AND POLICY ASSESSMENT

#### A. Settlement Strategy

The site is within the 'settlement' boundary of Rhu as defined by the adopted Local Plan and within Rhu Conservation Area. Within the settlement boundary there is a presumption in favour of development subject to site specific criteria being met. In this instance, the development must also preserve or enhance the character and appearance of the Conservation Area. The site is also part of the larger Potential Development Area (PDA) 3/29 identified for a mix use development including Housing/Leisure/Tourism/Business/Retail. Policy LP STRAT 1 and LP STRAT DC 9 of the Structure Plan and Policies LP ENV 1, LP ENV 14, LP ENV 19, LP BUS 1, LP BAD 1, LP CST 1, LP HOU 1, LP TRAN 6, LP TRAN 8, LP DEP 1 and Appendix A and C of the adopted Local Plan are applicable.

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

The application site is located on the south side of the A814 in Rhu Conservation Area and forms part of the existing marina facility. The applicant has operated out of Rhu Marina for 25 years and nothing will change in their operational process with its new location within the Marina. The proposed development incorporating modular office building, containers, pontoons and a security fence will give GSS office space for their expanding workforce.

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

In assessing the impact of the proposal it is firstly important to highlight that the site sits within a larger Marina part of, but separate from, the rest of the village. The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property, is temporary in nature and will have a positive economic impact. It can therefore be justified as a minor departure to Policy LP ENV 14. The proposed pontoons sit comfortably with the existing Marina apparatus. As such they will have a neutral impact on the conservation area and accord with Structure Plan Policies STRAT DC 1 and STRAT DC 9 and Local Plan Policy LP ENV 14.

As a business/industrial proposal the impact on the amenity of the surrounding area is a key concern. In particular, the proposal has the potential to be a "bad neighbour" development. Those making representations have indicated that the existing operation is a nuisance. Any complaints associated with existing operations would require to be reported to Environmental Health in order that they could be pursued if necessary under separate legislation.

In terms of the new proposal Environmental Health has been consulted. They have no objections in principle but have sought additional information regarding the servicing of

vehicles at the pontoon. This has been submitted by the applicant and it is not considered that the proposed relocation of their operation will have a significant detrimental effect on adjoining properties sufficient to justify refusal of the proposal. The other key issue is the amended master plan and this is dealt with below.

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

Access is proposed from the existing one onto the A814. The parking and turning is in accordance with Policy LP TRAN 6 and therefore the Area Roads Manager has no objections.

**D. Infrastructure**

Scottish Water has not responded. As the development relates to an existing operation in an area of public water supply and public sewerage it is not considered likely that the proposal would be subject to any infrastructure constraints.

**E. Flooding**

Policy LP SERV 8 gives guidance on the type of development that will be generally permissible within specific flood risk areas. The wider Marina site is in the current adopted Local Plan as a PDA. As part of the process on the replacement for the adopted plan SEPA have highlighted a number of potential concerns regarding flooding issues. As such they were consulted on the application. They have no objections on flood risk grounds. However, they recommend that the Flood Prevention Officer ensures appropriate flood mitigation measures.

Subsequently, the Council's Flood Prevention Officer was consulted. He has advised no objections in principle, but requested further information regarding finished floor levels and an evacuation plan. This is covered by an appropriate condition. On this basis, the proposal accords with Policy LP SERV 8.

**F. PDA Designation/Master Plan**

As indicated above the 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.

PDA's are 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 are not currently fully resolved and issues may require to be overcome in terms of the 'mini development brief' accompanying these PDA's 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 terms of environmental or landscape terms.

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.”*

An amended masterplan has now been submitted for the wider PDA. In relation to the current application, it now shows the current GSS proposal. A separate report on the masterplan, including third party representations and the views of statutory consultees, is also on the Agenda for consideration by Members.

As originally submitted the applicant was looking for a permission of at least three years. They have now submitted evidence that their lease is for less than two years. The applicant has indicated that without the new facility, albeit on a temporary basis, their operation in this area would be in jeopardy. The Council has approved a previous application in this location without a masterplan. However, this was for change of use of existing premises which did not constitute a new built form. Given their concerns about the threat to their business it is considered that a temporary consent for two years could be justified on the basis that the buildings and pontoons are temporary structures which could be readily removed within a short time period. Secondly, a temporary and personal permission for two years would not undermine the potential redevelopment of the Marina site.

Given the above, the assessment of the proposal comes down to a site specific criteria assessment on the temporary impact of the proposal on the character of the conservation area and the amenity of adjacent properties and the wider area. As indicated above the site sits within a larger marina site part of but separate from the rest of the village. The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property, is temporary in nature and will have a positive economic impact. It can therefore be justified as a minor departure to Policy LP ENV 14. The proposed pontoons sit comfortably with the existing Marina apparatus. As such they will have a neutral impact on the conservation area and accord with Structure Plan Policies STRAT DC 1 and STRAT DC 9 and Local Plan Policy LP ENV 14.

Environmental Health has been consulted. They have no objections in principle but have sought additional information regarding the servicing of vehicles at the pontoon. This has been submitted by the applicant and it is not considered that the proposed relocation of their operation will have a significant detrimental effect on adjoining properties sufficient to justify refusal of the proposal.

## **F. Conclusion.**

The site is within the 'settlement' boundary of Rhu as defined by the adopted Local Plan and within Rhu Conservation Area. Within the settlement boundary there is a presumption in favour of development subject to site specific criteria being met. In this instance, the development must also preserve or enhance the character and appearance of the Conservation Area. The site sits within a larger marina site part of but separate from the rest of the village. An amended master plan for the redevelopment of the marina has now been submitted. It has gone through public consultation and has been out for comment to statutory consultees and other third parties.

In relation to the current application it now shows the location of the current GSS proposal. In terms of the site specific criteria the proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. The proposed modular building is of functional design with a flat roof and incorporating timber and metal cladding. As such it does not preserve or enhance the character and amenity of the surrounding area. However, it is located some 110 metres from the nearest residential property, is temporary in nature and will have a positive economic impact. It can therefore be justified as a minor departure to Policy LP ENV 14. The proposed pontoons sit comfortably with the existing Marina apparatus. As such they will have a neutral impact on the conservation area and accord with Structure Plan Policies STRAT DC 1 and STRAT DC 9 and Local Plan Policy LP ENV 14.