

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

Reference No: 14/00821/PPP

Planning Hierarchy: Local Application

Applicant: Luss Estates Company

Proposal: Site for the erection of a residential development including formation of vehicular access and demolition of existing clubhouse.

Site Address: Rhu Bowling Club, Manse Brae, Rhu

DECISION ROUTE

(i) Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of residential development

(ii) Other specified operations

- None
-

(B) RECOMMENDATION:

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

(C) HISTORY: None

(D) CONSULTATIONS:

Environmental Health/ - 21.05.2014 No objections
Public Protection-
Helensburgh And
Lomond

Roads Helensburgh 28.04.2014 No objections subject to conditions
And Lomond

Scottish Water

No response

Rhu & Shandon
Community Council

30.04.2014

Objects to the proposal because:

- The site is an OSPA and its change to housing is contrary to the local plan
- It has not been demonstrated that there is no continuing requirement for the space to be used as an OSPA. Rhu Bowling Club has not given up rights to the land and until it does, no consideration should be given to a change of use.
- The application makes limited reference to possible uses which would maintain it as an OSPA having been explored.
- If it is found there is no demand for continuing use as an OSPA we might not be opposed to a small scale development. However, the access arrangements are vague and are not acceptable.
- R & S CC believes the current application should be refused.

(E) PUBLICITY: Listed Building/Conservation Advert (expiry date 01.05.2014)

(F) REPRESENTATIONS:

18 letters and e-mails of objection have been received in connection with this application from the following individuals. The points of objection and my comments on them are summarised below:

Patricia Spicer, 13 Inchgower Grove, Rhu (letter dated 16/04/14)
Alister Minnis, 7 Inchgower Grove, Rhu (e-mail dated 22/04/14)
Peter Clark, 16 Inchgower Grove, Rhu e-mail dated 22/04/14)
John Fraser, Lyndenhill, Upper Hall Road, Rhu (e-mail dated 22/04/14)
Aileen Overend, Maranatha, Cumberland Road, Rhu (letters dated 17/04/14)
Andrew Overend, Maranatha, Cumberland Road, Rhu (letter dated 21/04/14)
Patricia Porteous, 10 Inchgower Grove, Rhu (letter dated 21/04/14)
Edna Muir, 3 Ardenconnel Way, Rhu (letters dated 17/04/14)
Martin P Ritch, 11 Inchgower Grove, Rhu (letter dated 16/04/14)
Margaret Morrison, 6 Inchgower Grove, Rhu (letter dated 17/04/14)
Peter Knox, 7 Ardenconnel Way, Rhu (e-mails dated 23/04/14 and 24/04/14)
Robbie Price, 9 Inchgower Grove, Manse Brae, Rhu (letter dated 16/04/14)
Audrey C Butler, 5 Ardenconnel Way, Rhu (letters dated 21/04/14 and 24/04/14)
Denise Miller, Flat 1/1 Ardenlea, Cumberland Road, Rhu (e-mail dated 25/04/14)
Mr and Mrs Stewart Cowie, 1 Ardenconnel Way, Rhu (letter dated 22/04/14)

This is an Open Space Protection Area (OSPA). As such the development is contrary to the Local Plan.

Comment: See my assessment.

There is already slippage into my (Maranatha) property due to the current land, which is non-load bearing being built up using existing building materials to some 4 feet with no support structure. This land clearly cannot sustain any load whether it is structures or even parking/road. In addition, as ex building materials have been used, a contamination report should be undertaken to ensure any asbestos or other risk is fully mitigated.

Comment: The application is for planning permission in principle. It is considered that there is insufficient information to properly assess the proposal although Public Protection has indicated no objection. This issue would need to be assessed before a decision could be taken.

The application details that current drainage would be used. There is an on-going drainage issue at the T-junction of Cumberland road and School Road which is evidence that current drainage cannot satisfy current demand and would be unable to cope with further load.

Comment: The application is for planning permission in principle. It is considered that there is insufficient information to properly assess the proposal. See also my assessment.

The access as proposed is of limited width and therefore not sufficient to support safe vehicular access/egress, pedestrian and turning areas for multiple dwelling. The development, including construction traffic, will have a detrimental impact on parking, manoeuvring and road safety particularly in Inchgower Grove which is already under significant pressure. Manse Brae is a busy main road in proximity to the children's playground and the development would create additional hazards to neighbouring proprietors and the public using Manse Brae and merging from barge Court.

Comment: The application is for planning permission in principle. The Area Road Manager has no objections to the proposal subject to conditions. See also my assessment.

Noise and overlooking/shadowing is a concern.

Comment: In relation to noise Environmental Health/Public Protection has indicated no objection. With regard to overlooking/shadowing the application is for planning permission in principle. As such it is considered that there is insufficient information to properly assess the proposal. See also my assessment.

A large number of vermin are housed within the built up nature of the current land and am concerned about pest control.

Comment: This would be a matter for Environmental Health/Public Protection.

The current club house structure may be housing bats which could then house within local housing and become a nuisance. Newts were also found in an adjoining garden.

Comment: Bats and newts are protected species. The application is for planning permission in principle and it is considered that there is insufficient information to determine the proposal. The issue of bats and newts would need to be formally assessed before a decision to approve the proposal could be taken.

The supporting report details that neighbours have been consulted which is incorrect. The document also states that there are no other community groups with an interest in the property. However, Luss Estates have been contacted by a very popular charity childcare organisation who is interested in discussions.

Comment: On major applications, applicants have to go through a formal consultation with the community. This is not a major application as defined in the hierarchy of

development. Neighbour notification is the responsibility of the Council. The issue of other parties is not a material consideration in the assessment of this application.

Concern that a majority of neighbours have not been notified and that the copy plans were not received by Rhu Post Office until 10 days in to the 21 day period.

Comment: The plan submitted shows only a site edged red. The plan was available on-line and the application has been advertised.

The applicant does not have formal rights of access to the development through the existing Inchgower Grove site and will be unable to access the site without consent.

Comment: This is a civil matter between the parties concerned.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** N
- (iv) **A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** Y

Summary of main issues raised by each assessment/report

Rhu Bowling Club, leased from Luss Estates, experienced falling numbers and ceased operating. The site was handed back to Luss Estates in 2013 and there is no requirement for it to continue as a bowling club. The clubhouse is also attracting vandalism.

Given that the locality is primarily residential in nature this would seem to be an appropriate re-use of the site. Initial discussions with the local authority indicated an acceptance that the demise of the bowling club has left the site open for consideration of alternative uses but also that a number of aspects would have to be formally addressed. These include the current Local Plan zoning, a suitable vehicular and pedestrian access, the availability of services and ultimately an appropriate scale of development.

To initiate a re-assessment of the Local Plan zoning, correspondence has been sent to the Forward planning section in Lochgilphead highlighting the situation. No definitive answer has yet been received and the Local Plan section is still considering the matter. However, with increasing vandalism to the premises, the intervention of Police Scotland and concern on the part of some neighbours, Luss Estates Company has decided to progress matters more quickly through the submission of a formal application seeking to establish the future of the site as a small-scale residential development.

The site is a relatively square area of ground extending to approximately 0.23 hectares. It sits in a backland setting to the west of Inchgowrie Grove in Rhu with the sole means of access being a pedestrian footpath from Manse Brae at its junction with Pier Road.

The site is currently zoned as an Open Space Protection Area (OSPA) intended to protect open spaces and recreational facilities. This policy should not be challenged lightly. Nevertheless, the longstanding use of the site has come to a natural end.

Close to the site is a sizeable open play park which ensures there is an adequate local provision of public open space for the neighbourhood. Taking this on board the re-use of the site within the long established residential area of Rhu for residential purposes would appear to accord with other Local Plan policies aimed at re-utilising sites within the settlement.

The most significant challenge to any future residential development would appear to be ensuring compliance with roads/access policies which seek an entrance in accordance with Roads Guidelines. The existing pedestrian access is

not of a width that would allow it to be upgraded to take vehicles. As such, if vehicles are to be brought into the site a new access route will need to be identified.

The removal of the clubhouse would allow the south-eastern boundary wall to be breached thereby creating a road, with two-way working, to be formed off Inchgower Grove. At present this would entail vehicles passing between a row of parking bays and a terrace of garages opposite these. This is not ideal for significant numbers of traffic movements but perhaps acceptable if only serving a private access with a limited number of movements.

In light of the foregoing factors it is proposed that planning consider the application in terms of a limited number of detached or semi-detached houses, perhaps no more than four/six in total, which would ensure the traffic generation is also limited. In doing this restriction would not only meet Roads criteria but would also benefit the amenity of the neighbouring houses.

(H) PLANNING OBLIGATIONS

(i) Is a Section 75 agreement required: N

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: N

(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 14 – Conservation Areas and Special Built Environment Areas
LP ENV 15 – Demolition in Conservation Areas
LP HOU 1 – General Housing Development
LP TRAN 4 – New and Existing Public Roads and Private Access Regimes
LP REC 2 – Safeguarding of Recreational Land and Important Open Spaces

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Argyll & Bute Sustainable Design Guidance (2006)

Representations

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: N

(L) Has the application been the subject of statutory pre-application consultation (PAC): N

(M) Has a sustainability check list been submitted: N

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

(O) Requirement for a hearing (PAN41 or other): No. It is usual to consider a pre-determination Hearing where there are more than 20 representations. In this case that number has not yet been reached. In any case, the application is partly being refused on a technical issue in terms of the lack of supporting information required to formally determine the proposal. As such, even if the target number to trigger a potential hearing was reached it is not considered there would be any added value from holding a Hearing.

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

Planning permission in principle is sought for the erection of a residential development at Rhu Bowling Club, Manse Brae, Rhu. The site is within the Rhu Conservation Area and within an Open Space Protection Area (OSPA) as defined by the adopted Local Plan. Within Conservation Areas, development must be of the highest quality and respect the architectural qualities of the area. Applications for planning permission in principle will not normally be considered appropriate in these areas. Within OSPAs, there is a presumption against the redevelopment of established playing fields or sports pitches.

Rhu Bowling Club is located within a residential area of Rhu to the west of Inchgower Grove. It is surrounded on all sides by residential property and can only be accessed on foot by a path with access from Manse Brae. It is a square area of land with a site area of 2310 square metres, with the existing single storey pavilion located to the west of the site backing onto the parking area of Inchgower Grove. The proposal is to demolish this pavilion and create an access through Inchgower grove to the site and erect a small residential development of up to six dwellings. The plans submitted with the application show only the site outlined in red and the location of the proposed access. No details are given of the proposed location of any dwellings, the scale or the design. Given the location of the proposed development within a Conservation Area, the applicant has submitted insufficient information to assess the impact of the proposed development on the character and amenity of adjoining properties and whether it will preserve or enhance the character or appearance of Rhu Conservation Area. As such the proposal is contrary to Policy LP ENV 14 of the adopted Local Plan which states that outline planning applications (planning permissions in principle) will not normally be considered appropriate for proposed development in conservation areas and which presumes against development which does not preserve or enhance the character or appearance of the Conservation Area.

The application site is also within an Open Space Protection Area. Policy LP REC 2 of the adopted Local Plan presumes against the redevelopment of sports pitches to other uses. Redevelopment will only be considered where the applicant can prove that there

would be no loss of amenity and alternative provision of equal community benefit and accessibility would be made available, and there is a clear, long term excess of pitches, playing fields, and public open space in the wider area. The applicant provided a Supporting Statement outlining their case for the redevelopment of the site. In it, it states that Rhu Bowling Club's numbers have dwindled over the years to such an extent that the club decided to close. The land is owned by Luss Estates and was handed back to them in May 2013. They believe that there is no requirement to continue as a bowling club and Luss Estates are not interested in leasing the premises as any other form of licensed club. The site is lying vacant and open to vandalism and the applicant considers that a small scale residential development would make the best use of the land and secure the site. The applicants feel that there is no demand for another bowling club and that the site is not suitable for more active clubs due to its location and the fact it is bounded on all sides by residential properties. The applicants have also pointed to the open play park across the road from the application site which they feel ensures that there is adequate local provision of public open space for the neighbourhood. It is therefore the applicant's view that there is no longer any justification for maintaining the OSPA zoning.

It is not considered that the applicant has fulfilled the criteria set out in Policy LP REC 2. This states that alternative provision of equal community benefit should be made available. The applicants have not provided land elsewhere that can be used as a recreational area and have not indicated that they have any intentions of doing so. The play park nearby the site which is referenced in the supporting statement is an existing use and cannot be considered. Furthermore, a play park by nature is inherently different to a playing field and cannot be used as alternative provision. This policy also states that there must be a clear, long term excess of pitches, playing fields and public open spaces in the wider area. The applicants have not demonstrated that this is the case. No justification has been provided to show that there is an excess of these sites in the area. No details have been submitted to show that the application site has been actively marketed for this use and no details have been submitted to show that any effort has been made to retain the use of the site. The proposal is therefore contrary to Policy LP REC 2 of the Argyll & Bute Local Plan.

The proposed Argyll and Bute Local Development Plan is a material consideration in the determination of this application. In terms of this application site and the proposed development, the plan maintains the same policy approach and there are no policies or guidance which would alter the recommendation.

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

(R) Reasons why Planning Permission in Principle should be refused

The applicant has submitted insufficient information to assess the impact of the proposed development on the character and amenity of adjoining properties and whether it will preserve or enhance the character or appearance of Rhu Conservation Area. As such the proposal is contrary to Policy LP ENV 14 of the Argyll and Bute Local Plan which states that outline planning applications (planning permissions in principle) will not normally be considered appropriate for proposed development in conservation areas and which presumes against development which does not preserve or enhance the character or appearance of the Conservation Area.

The application site is designated as an Open Space Protection Area where there is a presumption against redevelopment of these sites. The proposed development will result in the loss of this area of open space and no provision of equal community benefit has been provided elsewhere. Furthermore, the applicant has not shown that the site

has been actively marketed, or that any real effort has been made to preserve its use as a playing field. No details have been provided to show that there is a long term excess of playing fields within the area. The proposal is therefore contrary to Policy LP REC 2 of the Argyll and Bute Local Plan.

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

N/A

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

Author of Report: Stephanie Spreng

Date: 30/05/2014

Reviewing Officer: Howard Young

Date: 30/05/2014

Angus Gilmour
Head of Planning

GROUND OF REFUSAL RELATIVE TO APPLICATION REF. NO. 14/00821/PPP

1. The applicant has submitted insufficient information to assess the impact of the proposed development on the character and amenity of adjoining properties and whether it will preserve or enhance the character or appearance of Rhu Conservation Area. As such the proposal is contrary to Policy LP ENV 14 of the Argyll and Bute Local Plan which states that outline planning applications (planning permissions in principle) will not normally be considered appropriate for proposed development in conservation areas and which presumes against development which does not preserve or enhance the character or appearance of the Conservation Area.
2. The application site is designated as an Open Space Protection Area where there is a presumption against redevelopment of these sites. The proposed development will result in the loss of this area of open space and no provision of equal community benefit has been provided elsewhere. Furthermore, the applicant has not shown that the site has been actively marketed, or that any real effort has been made to preserve its use as a playing field. No details have been provided to show that there is a long term excess of playing fields within the area. The proposal is therefore contrary to Policy LP REC 2 of the Argyll and Bute Local Plan.

NOTE TO APPLICANT

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 31/03/2014 and the refused drawing reference number 14.02.04 01.