

Report To: The Planning Board

Date: 7th June 2017

Report By: Head of Regeneration and Planning

Report No: 17/0054/IC
Plan 06/17

Major Application
Development

Contact Officer: Guy Phillips

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Subject: To provide drainage to the 2 grass rugby pitches and discharge into the local water course using piped drainage, sand slitting and attenuation at Birkmyre Park, Knockbuckle Road, Kilmacolm



SUMMARY

- The proposal accords with the intent of the Inverclyde Development Plan.
- Five representations have been received, one in support and four raising concern over the implementation works.
- Consultations present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=OLDM1PIMKFL00>

SITE DESCRIPTION

Kilmacolm's Birkmyre Park lies in the south-west of the village and is bisected by Broomeknowe Road, which runs north-east to south-west. It is adjoined by Knockbuckle Road to the north-east, Park Road to the south east, Florence Drive to the north-west and partially by Pacemuir Road to the south-west. Pacemuir Road extends as a narrow track through the Park between its junctions with Broomeknowe Road and Park Road.

The section of the Park lying to the north west of Broomeknowe Road is occupied by two rugby pitches and a mounded area with mature trees in the area closest to Florence Drive. To the south-east of Broomeknowe Road, the park contains a play area, a pavilion building which has been converted into a gymnasium with an ancillary café and the Duchal Nursery. To the south west of the section of Pacemuir Road which runs through the Park is a multi-use games area (MUGA).

To the south-west of the Park is an area of Green Belt containing the Mill Dam Site of Important Nature Conservation (SINC). The River Gryffe flows from north-west to south-east, parallel to its south-west boundary.

The planning application site extends to approximately 4.1ha and incorporates the sections of the Park occupied by the rugby pitches and MUGA and the part of the Mill Dam SINC between the Park and the Gryffe Water.

PROPOSAL

It is proposed to form a piped and sand slit drainage system across the two rugby pitches which will connect to an underground attenuation tank in proximity to the MUGA. From the attenuation tank, an underground pipe is proposed to run south-westwards through the Park and the adjoining Mill Pond SINC before discharging into the River Gryffe.

DEVELOPMENT PLAN POLICIES

Policy SDS8 - Green Belt and the Countryside

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

Policy ENV1: Designated Environmental Resources

(a) International and National Designations

Development which could have a significant effect on a Natural site will only be permitted where:

- (i) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- (ii) there are no alternative solutions, and
- (iii) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:

- (iv) it will not adversely affect the integrity of the area or the qualities for which it has been designated, or
- (v) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the Clyde Muirshiel Regional Park and other strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

- (i) visual amenity will not be compromised;
- (ii) no other site identified in the Local Development Plan as suitable, is available;
- (iii) the social and economic benefits of the proposal are clearly demonstrated;
- (iv) the impact of the development on the environment, including biodiversity, will be minimised; and
- (v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

Policy ENV2 - Assessing Development Proposals in the Green Belt and the Countryside

Development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice Notes.

Policy ENV4 - Safeguarding and Enhancing Open Space

Inverclyde Council will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map; and
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community, and their function as wildlife corridors and Green Network links.

Policy INF4 - Reducing Flood Risk

Development will not be acceptable where it is at risk of flooding, or increases flood risk elsewhere. There may be exceptions for infrastructure if a specific location is essential for operational reasons and the development is designed to operate in flood conditions and to have minimal impact on water flow and retention.

All developments at risk of flooding will require to be accompanied by a Flood Risk Assessment (FRA) and should include a freeboard allowance, use water resistant materials where appropriate and include suitable management measures and mitigation for any loss of flood storage capacity.

CONSULTATIONS

Scottish Environment Protection Agency West - no objections

Head of Environmental and Commercial Services - no objections subject to a Section 56 Agreement being required for any works in the public road, the applicant being made aware that Broomeknowe Road is private from Knockbuckle Road south-eastwards and a condition being attached to require surface water to be contained within the site.

Head of Safer and Inclusive Communities – no objections subject to the attachment of an advisory note regarding CDM Regulations.

Council's Lower Clyde Greenspace Manager- all ecological concerns have been addressed.

PUBLICITY

The planning application is accompanied by a Pre-Planning Consultation Report and a Report of a Public Meeting held on Thursday 1st December 2016.

The application was advertised as there are no premises on neighbouring land.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

A total of five written representations, including one from Kilmacolm Civic Trust, have been received. Kilmacolm Civic Trust's written representation is in support of the proposal, while the remaining four written representations raise concerns. The concerns raised all relate to the implementation of the proposed drainage scheme:

- hours of construction should be limited.
- access and egress should be by an existing gap in a fence bounding Knockbuckle Road at its junction with Broomknowe Road. Construction traffic and material deliveries should be prohibited from Pacemuir Road and Florence Drive. No construction traffic should be permitted to access the site from the section of Broomeknowe Road adjoining the Park's putting green, which is narrow, privately owned and used by residents to park their vehicles.
- the position of the haul road has not been detailed.
- wheel washing facilities should be provided.
- trees within the site should be protected against damage.
- sanitary accommodation should be provided for construction staff and be positioned well away from private dwellings.
- safety and security arrangements should be put in place to prevent anti-social behaviour.
- the site works may obstruct the Park's gym car park and may impact upon a running event scheduled for 10th September.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Development Plan, the consultation responses and the written representations. The determining factor is does this proposal comply with the Development Plan?

The works are partially on and to benefit Birkmyre Park, which is an identified area of open space. Policy ENV4 of the Local Development Plan seeks to safeguard and, where practical, enhance areas identified as open space. As the proposal is in respect of enhancements to its drainage, with all works being below ground, I am content that there is an enhancement of the Park.

The section of the Mill Dam within the application site is an area of open space of value in terms of its amenity to its surroundings and the community. For this part of the site the designation as Green Belt and as a SINC have to be considered.



Policy SDS8 of the Local Development Plan advises there will be a presumption against the spread of the built up area into the Green Belt whilst policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances. The purpose of the Green Belt is primarily to protect rural areas from urban spread and to maintain the identity of existing settlements by clearly defining their physical boundaries. The Green Belt is not designed to inhibit proposals such as drainage schemes, and once complete, there will be limited visual impact on the Green Belt; works comprise of an underground pipe which terminates in an approximately 1.9m wide by 2.0m high concrete discharge point equipped with a steel grille on the bank of the River Gryffe.

Policy ENV1 of the Local Development Plan advises that development adversely affecting local natural heritage resources will not normally be permitted. Exceptions will only be made with reference to a range of criteria, which are: (i) visual amenity will not be compromised; (ii) no other site identified in the Local Development Plan as suitable, is available; (iii) the social and economic benefits of the proposal are clearly demonstrated; (iv) the impact of the development on the environment, including biodiversity, will be minimised; and (v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

I am satisfied that visual impact will not be unacceptably compromised (criterion (i)). As the proposal seeks to address a localised drainage issue there is a requirement to safely dispose of excess water in the immediate area. Discharging to the nearest watercourse (the River Gryffe) is, I consider, essential. I am therefore satisfied that there is no other suitable site and that, accordingly, the proposal meets the requirements of criterion (ii).

I am satisfied that social benefit arises from the rugby pitches being provided with a playable surface on a more regular and consistent basis and hence benefiting parties actively engaged in and watching sport (criterion (iii)).

The Protected Species Survey advises that otter and badger activity have been identified within the site but did not reveal any new or unexpected results. It recommends pre-commencement surveys for badger, otter and water vole to provide updated information before works begin. In

addition, a range of best practice measures and standard mitigation approaches have been presented to ensure that works do not affect these species. The Survey further advises that If pre-commencement surveys provide new evidence relating to the presence of protected species, licences may be required, however, no such licences are required at the present time. On this basis the Council's Lower Clyde Greenspace Manager has confirmed that the proposal addresses all ecological concerns (criterion (iv)). On this basis criterion (v) is not applicable.



The final Local Development Plan consideration is Policy INF4, which considers the issue of flood risk. It advises that development will not be acceptable where it is at risk of flooding, or increases flood risk elsewhere. The proposal seeks to address waterlogging of two rugby pitches and does so in a manner to which SEPA has offered no objections in its consultation response. As such, I consider there to be no conflict between the proposal and Policy INF4.

Overall, I consider that the proposal complies with Local Development Plan policies SDS8, ENV1, ENV2, ENV4 and INF4. It rests to consider if there are any material considerations that suggest determining the application contrary to the Plan.



Regarding the consultation responses not addressed by my assessment against the Local Development Plan, the Head of Environmental and Commercial Services and the Head of Safer and Inclusive Communities offer no objections to the proposal. Noting the advice of the Head of Environmental and Commercial Services that; works to the public road require to be the subject of a Section 56 Agreement; awareness of private road ownership is required and that surface water should be intercepted within the site, I can confirm that no works are proposed to the public road, the applicant is aware of private road ownership and a condition to planning permission may be attached to control surface water run-off. I also have no objections to the attachment of an advisory note regarding CDM Regulations, as requested by the Head of Safer and Inclusive Communities.

None of the parties making representations on the planning application have raised objections to the proposal and all of the concerns are in relation to the implementation of the site works. Construction noise and the associated matter of hours of construction are matters controlled by the Head of Safer and Inclusive Communities who has offered no objections to the proposal. The Pre-Planning Consultation and Public Meeting Reports combine to advise that access shall

be executed via a haul road to be formed within the Park, with all vehicular and plant movement within the confines of the Park. The applicant has confirmed that traffic is to be kept away from private roads. The provision of wheel washing facilities and tree protection measures are, I consider, matters upon which it is reasonable to attach planning conditions, however provision and location of workforce lavatories, site safety and security arrangements are not material planning considerations and are addressed by separate legislation. The applicant has given direct advice to the party making written representations on access to the gym car park and arrangements for the September running event.

Overall, there are no material considerations to suggest that this proposal should be determined contrary to the Development Plan.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. Prior to the development hereby approved being implemented, a pre-commencement survey to determine the presence of badgers, otters and water vole shall be completed, submitted to and approved in writing by the Planning Authority.
2. Wheel washing facilities shall be provided within the site for the duration of the site works to form the drainage improvements hereby approved.
3. No development shall commence until full details of all tree protection measures within the application site have been submitted to and approved by the Planning Authority in writing: thereafter the approved protection measures shall be completed prior to the commencement and maintained for the duration of the construction of the drainage improvements hereby approved.

Reasons

1. In the interests of safeguarding protected species.
2. In the interests of road safety on the public and private rounds around Birkmyre Park.
3. In the interests of the protection of trees.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Guy Phillips on 01475 712422.