

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>6 December 2017</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>17/0157/IC</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Demolition of existing buildings and erection of local supermarket (Class 1) at Wemyss Bay Hotel, 23 Greenock Road, Wemyss Bay</b>		



its reserved. Licence No.10023421, 2017

### **SUMMARY**

- The proposal accords with the intent of the Inverclyde Development Plan.
- Eight representations have been received, three objecting, three supporting, one raised both points of objection and of support, and one seeking clarifications.
- Issues raised in consultations can be addressed by planning conditions or advisory notes.
- 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=OQHSCOIML9X00>

## **SITE DESCRIPTION**

The site, which extends to around 2800 square metres comprises the former Wemyss Bay Hotel building together with the associated grounds and parking area. It is linear in nature, to the eastern side of Greenock Road, Wemyss Bay and is positioned between the road and the railway line. The building, which is currently disused and in a poor state of repair, is two storeys and externally is finished primarily in painted render and a slate roof.

A variety of residential dwellings lie to the west of the site on the opposite site of Greenock Road. The Glasgow to Wemyss Bay railway line curves round to the north, east and south. The railway line is elevated with a large wall bounding the site. The High Finnock Plantation lies beyond the railway.

## **PROPOSAL**

The applicant seeks planning permission for the erection of a Class 1 retail shop following the demolition of the current building on site.

The proposed building has an internal floor area of 371 square metres, of which 250 square metres comprises the retail area with the remaining 121 square metres for storage. The applicant indicates that the proposal will provide for convenience retailing. The building will be single storey and designed with a pitched roof. External materials comprise a flat profile grey concrete tile roof together with red facing brick to the front and side facing the road, with white render to the side facing the railway wall and the rear. The main entrance is on the southern elevation of the building facing the car park. Shopfront windows with dark grey aluminium frames are proposed to both the front and the side facing the road.

A single access to Greenock Road will serve the car park and allow access for delivery vehicles. Twenty parking spaces, inclusive of two disabled spaces, are provided. A new signal controlled pedestrian crossing to Greenock Road is also proposed.

The application has been supported by a Supporting Planning Statement, a Design Statement, a Bat Survey, a Bird Survey and a Food Risk Assessment.

A second unit, extending to a gross floor area of 95 square metres was originally proposed on the southern part of the site. This unit would have allowed for either an additional self-contained retail unit, a café or restaurant, or hot food takeaway use. This unit was removed from the proposal during the consideration of the application.

## **DEVELOPMENT PLAN POLICIES**

### **Policy RES1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and, where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

## **Policy RES6 - Non-Residential Development within Residential Areas**

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities will be acceptable subject to satisfying, where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

## **Policy TCR2 - Sequential Approach to Site Selection for Town Centre Uses**

Proposals for development of town centre uses as set out in Policy TCR3 will be subject to the sequential approach as set out below:

- (a) Greenock Central Area;
- (b) Port Glasgow and Gourock Town Centres;
- (c) Greenock Outer Area (subject to Policy TCR5);
- (d) sites on the edge of Greenock, Port Glasgow and Gourock Town Centres; and only then,
- (e) out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The principles underlying the sequential approach also apply to proposals to expand or change the use of existing developments, where the proposals are of a scale or form sufficient to change a centre's role and function.

## **Policy TCR3 -Town Centre Uses**

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

## **Policy TCR7 - Assessing Development Proposals for Town Centre Uses**

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;
- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;
- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

### **Policy TCR10 - Shopping Facilities to Meet Local Needs**

The retention, improvement and, subject to Policy TCR7, the provision of local neighbourhood shopping facilities up to 250 square metres gross, where they do not compromise residential amenity and/or road safety will be supported. A proposed change of use to non-retail will only be supported where it can be demonstrated that the business has been marketed for a minimum of 12 months and is no longer viable.

### **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 ENV7 - Biodiversity**

The protection and enhancement of biodiversity will be considered in the determination of planning applications, where appropriate. Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Inverclyde Council, in conjunction with its partners, will continue to develop habitat and species action plans through the approved Local Biodiversity Action Plan (LBAP) in order to manage and enhance the biodiversity of the Inverclyde area.

### **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.

### **Policy SDS5 - Development within the Urban Area**

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

### **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 TRA1 - Managing the Transport Network**

The Council will seek to manage development that would affect traffic flow on the strategic road network to allow essential traffic to undertake efficient journeys. To achieve this, the actions included in the Local Transport Strategy will be supported. The public transport network will also be protected where possible, and support will be given to proposals that will result in an improved or extended service. Where proposals could result in the requirement for new or diverted public transport routes, discussion with Strathclyde Partnership for Transport should be undertaken.

## **CONSULTATIONS**

**Network Rail** - No objections in principle, however due to its close proximity to the operational railway it is requested that the following matters are taken into account and if necessary and appropriate included as conditions or advisory notes if granting the application:

- Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can

be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

- Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.
- Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact the Asset Protection Engineers regarding the above matters.

**Head of Environmental and Commercial Services** – The parking requirements for a Class 1 food store are as follows: 5 Bays per 100sqm gross floor area (0-500sqm). Disabled Bays: 200 bays or less = 3 bays or 6% of total capacity, whichever is greater. The requirements for a Class 1 development with a gross floor area of 371sqm is 19 spaces. The applicant has provided 20 spaces including 2 disabled spaces which is acceptable.

It is noted that the spaces adjacent to the access road are extremely close to the turning radii and may result in parked vehicles being struck. The applicant should reconsider this area of the car park layout.

It appears that the applicant proposes to install 4 cycle racks which is acceptable. However, careful consideration should be given to their location to ensure a minimum footpath width past them of 2m.

Deliveries to the food store will require HGVs to reverse within the car park. This poses a safety risk to the public within the car park. The above practice is deemed to be unsafe and unacceptable and it is recommended that the application be refused on road safety grounds.

The footways adjacent to and within the site should be a minimum of 2m wide.

It is noted that a signalised pedestrian crossing is proposed on Greenock Road. It is considered that this is not on the likely pedestrian desire line. The desire line is likely to be north of the access.

The Flood Risk Assessment states that there should be a flow pathway for surface water through the site and that the finished floor level should be above ground level so that the water will shed away from the building. The applicant should be able to comply with the above mitigation measures and these requirements should be conditioned via the application process.

Drainage details should be submitted for approval prior to work starting on site.

Confirmation of Scottish Water acceptance should be submitted for approval.

The site has flooded in the past and consequently a maintenance regime should be put in place to prevent surface water flooding.

A Section 56 Agreement will be required for changes to the public road network to form the access, footways and pedestrian crossing.

**Transport Scotland** – No objections to the proposal subject to the imposition of the conditions in respect of the following:

- The proposed means of access to the trunk road.
- There being no drainage connections to the trunk road drainage system.
- The form and detail relating to the provision of a pedestrian crossing.
- A Traffic Management Plan being agreed with the Transport Scotland prior to any works associated with the demolition of the existing building and construction of the new buildings begins on site.

**Lower Clyde Greenspace Manager** – The bat survey has been undertaken using an appropriate methodology. The findings and mitigation measures outlined in the report should be followed as below:

- Demolition to take place in winter months (October – March).
- Hand stripping of slates, and following of indicated procedures should bats be discovered.
- Avoid use of breathable roofing membranes on eastern aspect roof.
- Use of bat access tiles should be incorporated into the design.
- 1 bat box installed as per recommendation.

In respect of the bird survey, there are no outstanding issues relating to nesting birds. Should the demolition occur during nesting season (March to August), then a visual check should be carried out before work commences.

**Head of Safer and Inclusive Communities** – No objections. Conditions in respect of Japanese Knotweed, ground contamination, bin provision, external lighting, the operation of the building site, sound insulation, deliveries and collections, air conditioning, heating or refrigeration units being suitably isolated from the building are recommended. A condition in respect of a high level discharge for cooking odours was also recommended for the restaurant or takeaway building which was removed from the proposal.

**North Ayrshire Council** – No objections to the proposal.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 9 June 2017 as there are no premises on neighbouring land, as a Schedule 3 development and as it is contrary to the development plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was subject of nine representations. Four of these were in objection (including one which was revised following the removal of the smaller unit from the proposal), three were in support (which includes some giving qualified support), one raised both points of objection and points of support and one sought a number of clarifications.

The points of objection can be summarised as follows:

- The proposed development is too large for the site and would result in over development.

- Delivery vehicles would have to manoeuvre in the car park and this would interfere with the availability of parking spaces.
- The access to the road is in too close proximity to the junction of Wemyss Bay Road and the bend in the road.
- Pedestrians will be at risk if there is no signal controlled crossing on the main road.
- The pedestrian crossing may interfere with access to existing dwellinghouses.
- The proposal would be to the detriment of the amenity of the existing area in respect of traffic and parking, noise and disturbance, anti-social behaviour and litter.
- Additional on street parking may result on nearby roads.
- The proposal could interrupt traffic flow on the trunk road and cause inconvenience.
- There is no alternative route if the main A78 becomes blocked.
- The proposal could jeopardise pedestrian safety.
- The proposed mixed use urban village for the former power station site will include provision for small scale retail development.
- The proposal exceeds the permitted size for such a development outwith the town centre.

The points of support can be summarised as follows:

- The existing building is in poor condition to the visual detriment of the area.
- The proposal will provide much needed amenity for lower Wemyss Bay and Skelmorlie.
- The proposal will create local jobs.
- The proposal will not result in any additional road safety implications beyond the established position.
- The positives outweigh any negatives.

Qualified support is given by some, subject to the following matters:

- Litter bins should be provided in the vicinity of the premises.
- The pedestrian crossing should be moved away from the driveways of neighbouring houses opposite.

Summary of further points and clarifications sought:

- Neighbouring property is included within the red cross-hatched area on the neighbour notification plan and this area may signify land influenced or affected by the works. Concern is raised in respect of securing confirmation that neighbouring property will not be damaged by the works.
- The timescales or schedules for the project should be clarified.
- Opening hours have not been clarified.

## **ASSESSMENT**

The material considerations in determination of the application are the Local Development Plan, the Scottish Planning Policy (SPP), the visual impact of the proposal, the impact on residential amenity, the consultation responses, the public representations received and the applicant's supporting documentation. The determining factor is whether the proposal accords with the Development Plan and, if not, whether there are other material considerations to suggest that planning permission may be granted contrary to the Plan.

### The Development Plan

In first considering Policy TCR10 of the Local Development Plan, this advises on shopping facilities to meet local needs. Subject to Policy TCR7, the provision of local neighbourhood shopping facilities up to 250 square metres gross, where they do not compromise residential amenity and/or road safety, will be supported. The scale of the development which proposes a retail shop to meet



local shopping needs with a gross floor area of 371 square metres is above the level identified in and supported by this Policy. It rests to consider if there are other Development Plan policies or material considerations that justify the approval of planning permission for a retail shop of a scale above the level supported by this key Local Development Plan policy.

Policy TCR2 advises on a sequential approach to site selection for town centre uses set out in Policy TCR3. A retail shop is a use set out in this policy. Policy TCR7 of the Local Development Plan sets out detailed criteria for the assessment of development proposals for town centre uses, including retail shops.

#### Sequential approach to site selection

The SPP sets out the sequential town centre first approach to site selection for retail and commercial leisure uses. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

Policy TCR2 of the Local Development Plan sets out how this approach should be applied within the local context. In this respect the following order of preference is set out within the policy:

- Greenock Central Area;
- Port Glasgow and Gourock Town Centres;
- Greenock Outer Area;
- sites on the edge of Greenock, Port Glasgow and Gourock Town Centres;
- out-of-centre sites that are or can be made accessible by a choice of public and private transport modes.

The applicant's supporting statement contends that given the proposed development is intended to provide a modern, small, local supermarket to improve local access to facilities within the catchment of the settlements of Wemyss Bay and Skelmorlie, the only relevant location for assessment in terms of sequential site selection is the local centre at Ardgowan Road. No sites are identified either within or immediately adjacent to the Centre which would be capable of accommodating the proposed development. It is further contended that it would not be appropriate to assess sequential sites in any of the other defined centres (town centres or local centres) within Inverclyde due to the purpose of the proposal to provide for a very local catchment. It is accepted that none of the three town centres within Inverclyde would provide for local top-up shopping facilities in this area. Given this, I do not therefore consider an assessment of sequentially preferable sites either within or adjacent to the three town centres is required. The Local Development Plan identifies opportunities for retail development at Kip Park, Inverkip and on the Inverkip Power Station redevelopment site. These have not been considered by the applicant. With regard to Kip Park, this local centre primarily serves Inverkip and already includes a convenience retail store. The Inverkip Power Station redevelopment site is not an effective opportunity at this time. Neither site is therefore considered to be a sequentially preferable opportunity to the proposed out of centre site.

#### Retail capacity and impact on existing centres

Turning to retail capacity, this assesses the level of expenditure available in a geographical area linked to a series of shopping/town centres, each with catchments determined by their size. In the supporting statement, the applicant identifies the practical catchment for the development as comprising of Wemyss Bay and Skelmorlie. It is considered by the applicant that an element of

convenience expenditure from the catchment will always leak elsewhere, particularly to the town centres of Greenock and Largs, and to larger supermarkets or superstores. Such shopping trips to major superstores will always take place because local shopping provision will never meet all requirements. However, the applicant identifies there is a significant gap between available convenience expenditure within the catchment area and the ability of local shops to service a reasonable proportion of that expenditure. The applicant therefore concludes that there is capacity (at least £8.4m) for the development in terms of available expenditure compared to turnover in the relevant catchment area. The proposed shop (trading at approximately £1.92m per annum) would be unlikely to draw trade from beyond the catchment apart from occasional passing trade, and possibly some trade connected with ferry traffic to and from Bute.

A Retail Capacity Assessment was undertaken on behalf of the Council in August 2014. This identifies the proposed development site as being within the Greenock convenience catchment and identifies that expenditure exists to support at least 2,000 square metres of additional convenience floorspace within the catchment up to 2019. In the period since the study, 1,057 square metres of new floorspace has been developed at Customhouse Way in Greenock. This leaves in excess of 900 square metres for which expenditure could be supported. This is significantly higher than is provided in by the proposed development. The study also emphasises the current retail trend by the main supermarket operators for a move away from larger supermarket developments towards smaller convenience stores like that proposed.



Owing to the scale of the proposal, no retail impact assessment has been submitted with the application. In assessing the potential impact on the Kip Park Local Shopping Centre, this primarily serves the settlement of Inverkip. It provides for a range of facilities and includes a convenience store. I therefore consider it unlikely that the proposal for a standalone retail store would, with the exception of some limited passing trade, draw trade away from this local centre and adversely impact on its vitality and viability. Turning to the Ardgowan Road Local Shopping Centre, like Kip Park, this also includes a range of local facilities including a local convenience store. Additionally, a medical practice is also located within this Local Centre. Whilst in closer proximity to the proposed development site, this Local Centre has a well-defined and established function in providing a range of services for local residents and benefits from being easily accessible by residents on foot and without the need to use the busy Trunk Road. Like Kip Park, with the exception of some limited passing trade, I do not consider that significant trade will be drawn away from this Local Centre. Whilst the applicant identifies the catchment of the proposed development as including Skelmorlie, North Ayrshire Council offers no objections to the proposal.

As it is accepted that there are no sequentially preferable sites available, that there is capacity for the proposed development in terms of expenditure and that it is not considered that the proposed

development would have a detrimental impact, including cumulatively, on the viability and vitality of the designated Centres, it is considered that there is no conflict with Policies TCR2 or TCR7 (g), (h) and (i) of the Local Development Plan.

### Design

Considering design and visual appearance, this site is situated on the main transport route accessing to the south. It is also situated adjacent to the railway line to Wemyss Bay. Currently, the existing building and wider site create a very poor visual impression and the proposed redevelopment of the site would eliminate this. The footprint of the new building is smaller than that of the building which currently exists. I am satisfied that overdevelopment does not therefore occur. The design of the proposed building follows that expected of a small, modern convenience store and includes shopfront glazing to the side elevation fronting the Trunk Road to break up the appearance. I consider the material proposed to be acceptable within the mixed streetscape and whilst detailed landscaping plans in respect of the site have not been submitted, this matter can be addressed by condition (criterion (b) of Policy TCR7).

### Road safety, traffic and parking

Turning to road safety, traffic and parking, the applicant proposes 20 parking spaces within the car park. The Head of Environment and Commercial Services advises this level of parking is acceptable. Whilst I note the cautionary position in respect of the proximity of the parking spaces to the turning radii of the access road, no specific road safety concerns are raised and Transport Scotland offer no objections to the access arrangement. With regard to the advice in respect of the cycle parking spaces, a condition can ensure they are located outwith the pedestrian access link to the existing footpath. They could be accommodated to the other side of the entrance door for example.



In support of the proposal, the applicant has submitted vehicle tracking drawings to demonstrate that servicing vehicles can access the site safely. Service vehicles are able to access and egress the site in a forward gear. This will, however, entail a reversing movement within the site and the Head of Environmental and Commercial Services raises road safety concerns in this respect. However, the constraints of the site result in it being impossible for it to be developed in a way which does not result in delivery vehicles reversing. Delivery vehicles to the hotel (when in use) would also have required to reverse within the car park. The proposed arrangement ensures that delivery vehicles do not overrun parking spaces. Whilst noting the concerns raised by the Head of Environmental and Commercial Services, it is considered that the issue of safe servicing arrangements could be addressed by the requirement to submit a delivery management plan to

demonstrate how delivering and servicing will be undertaken in a safe manner. For example, it may be that deliveries are undertaken outwith opening hours or, if this is not possible, that vehicles are guided within the car park to ensure safety is maintained.



Transport Scotland offers no objection to the proposal or the principle of the access arrangement to the Trunk Road subject to a condition in respect of the approval of the final layout, type and method of construction. The provision of the pedestrian crossing will allow for a safe pedestrian crossing point on the Trunk Road and subject to a condition regarding the form and detail, Transport Scotland offers no objection to this arrangement. I note the concerns raised in the representations in respect of the proximity of the crossing to the driveway accesses to adjacent houses, however, the final detailing and positioning can be addressed in consultation with Transport Scotland in respect of the condition above. Whilst I note the concerns raised by the Head of Environmental and Commercial Services in respect of the pedestrian crossing, as this is situated on the Trunk Road, it is a matter for Transport Scotland. The requirement for a traffic management plan in respect of the impact of the works on the Trunk Road to be submitted prior to the commencement of works on site can be addressed by condition, as can requirements relating to site drainage, site access and completion of car parking works and the pedestrian crossing. Subject to the conditions suggested above, there is no conflict with Policies TRA1 and TCR7(c).

#### Impact on residential amenity

Assessing the impact on residential amenity, the application site lies within a residential area as defined by the Inverclyde Local Development Plan and Policy RES1 seeks to ensure that the character and amenity of residential areas is safeguarded and where practicable, enhanced. Policy RES6 advises on non-residential development within residential areas and sets out the criteria for the assessment of such proposals. Policy TCR7 (d) also requires that the proposal does not have a detrimental impact on amenity.

The most recent use of the premises was as a hotel. Such a use by its very nature would generate an element of noise and activity, particularly late into the evening. Whilst currently closed, the principle of the hotel being refurbished and brought back into use could not be opposed on

planning grounds. Following the removal of the second, smaller unit during the consideration of the application, it rests to consider whether the proposed retail shop would lead to any additional disturbance to the amenity of adjacent residents. Whilst it is true that a retail shop will generate a relatively continual level of activity, the site lies on a busy Trunk Road which already results in a degree of traffic noise. I do not consider that it could be held that it would lead to any significant additional noise or disturbance to the adjacent residential properties above that which currently occurs and which could also occur if the site was to reopen as an hotel.

I note that the Head of Safer and Inclusive Communities offers no objection to the proposal although a condition in respect of the hours of deliveries and collections to the premises is recommended. I agree that this will assist in achieving a balance between the operation of the premises in general and safeguarding residential amenity. There is nothing to suggest that the proposal would lead to the creation of litter or anti-social behaviour. Overall, I consider that the proposal offers no conflict with Policies RES1, RES6 and TCR7(d).

### Flooding

Scottish Planning Policy directs planning authorities to take the probability of flooding from all sources into account when determining planning applications. Policy INF4 of the Local Development Plan states that development will not be acceptable where it is at risk of flooding or increases flood risk elsewhere. All developments at risk of flooding will require to be accompanied by a flood risk assessment (FRA) and include suitable management measures and mitigation for any loss of flood storage capacity. The applicant has submitted a FRA in support of the application. Whilst not being at risk of coastal flooding, there is a potential vulnerability of pluvial flooding in parts of the site. This is due to surface water entering the site from high ground to the north and east and the fact that discharge from a weeping hole within the railway embankment could also cause ingress to the site. The FRA sets out recommendations to mitigate this risk and the Head of Environmental and Commercial Services considers that the applicant can comply with these. Accordingly, he offers no objections on the grounds of flooding. The requirement for the recommendations within the FRA to be followed together with the submission of drainage details together with future maintenance and there being no drainage connection to the Trunk Road can be addressed by condition, as can the requirement that confirmation of Scottish Water's acceptance to be submitted prior to the commencement of work.

### Protected species and biodiversity

Policy ENV7 advises on the protection and enhancement of biodiversity. In support of the application both a bat survey and a bird survey have been submitted. The Lower Clyde Greenspace Manager advises that the bat survey has been undertaken using an appropriate methodology. This includes a full inspection of the building together with a dusk survey. The survey notes that the existing site building and the immediate area offer opportunities for bats to roost either as a night time feeding, maternity, transitional roost or winter hibernation. The trees on the east side of the site also provide good continuous foraging / commuting for bats to the wider countryside. Whilst no bats or evidence of bats were found during the daytime inspection of the site the dusk survey identified at least one bat was using the roof as a roost. The survey report notes that accordingly and in order to carry out the works in compliance with wildlife legislation, a licence from SNH will be required. The Lower Clyde Greenspace Manager advises that the findings and mitigation measures outlined in the report should be followed, notably demolition being under taken in the winter months, the hand stripping of slates and following of correct procedures should bats be discovered. Additionally the new building recommendations in respect of avoiding the use of breathable roofing membranes on eastern aspect roof, the use of bat access tiles and installation of a bat box should also be followed. These requirements can be addressed by condition.

In respect of the Bird Survey, no active nests were found within the building. Whilst one old nest was found, most likely to have been that of a Jackdaw, there was no access and it did not appear to have been used in recent years. The demolition of the building will therefore have no impact on nesting birds provided it takes place before the 2018 breeding season. Should this not be possible,

the survey should be refreshed. The Lower Clyde Greenspace Manager raises no concerns in respect of the bird survey undertaken, or on the impact on nesting birds. Overall, I am satisfied that the proposal present no conflict with the aims of Policy ENV7.

### Other issues

Considering the outstanding material planning considerations, whilst not specifically highlighted by the applicant, the proposal will clearly result in the generation of local employment and it is noted that a major convenience retailer is identified as the occupier. Such employment creation is welcomed.

A small section of the site is located within the Green Belt. The Green Belt boundary follows the railway wall before extending across to follow the road verge to the north of the existing building. 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 fact that a small part of the application site is within the Green Belt does not contribute to urban spread. Furthermore, there is no proposal to build on this part of the site. Policy ENV2 advises that development in the Green Belt will only be considered favourably in exceptional or mitigating circumstances. Given the minor nature of the encroachment to the Green Belt, the fact that the settlement boundary is clearly defined by the railway and the proposal does not contribute to urban spread, I consider there to be mitigating circumstances in terms of Policy ENV2.

It is acknowledged that a proposal for a retail development was refused in 2014 for a nearby site on Shore Road, Wemyss Bay partly on the grounds of a failure to demonstrate that no sequentially preferential sites are available and due to concerns over the impact on the vitality and viability of existing local shopping centres. A key difference between that application and the current proposal is in respect of floorspace, with the current proposal being smaller than this previous application. The sequential site selection analysis is also appropriately addressed for the current proposal as is the potential for impact on existing Centres.

In terms of the outstanding consultation responses, I concur with the Head of Safer and Inclusive Communities that it is prudent to attach conditions in respect of Japanese Knotweed and ground contamination. Matters relating to bin provision, external lighting and the operation of the building site can be addressed by advisory note and the applicant does not currently propose any external air conditioning, heating or refrigeration units. The proposed building is set back from the railway wall by around 6 metres and thus well in excess of the 2 metres required by Network Rail. Matters relating to ensuring works do not disturb the operation of the railway and the requirement to notify Network Rail's Asset Protection Engineer in respect of the detail of the proposals and works is a matter for the applicant to address directly with Network Rail. An advisory note can be applied in this regard.

With regard to the outstanding points raised in the representations received, the red hatched area on the neighbour notification plan issued identifies the properties which lie within the area for which a neighbour notification must be issued as required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. It does not signify lands which may be physically impacted on by the works. Any damage which may occur to neighbouring property would be a civil matter between the parties involved. If planning permission is granted, the applicant will have three years in which to commencement works in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

### Conclusion

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 as amended require that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal is not supported by Policy TCR10 of the Local Development Plan in that it provides for local shopping facilities, outwith a designated centre and has a gross floorspace over 250 square metres. However, the proposed development is intended to provide a small, local supermarket within the catchment of the settlements of Wemyss Bay and Skelmorlie and I am satisfied that there are no sequentially preferable sites for such a development. The applicant further identifies there is a significant gap between available convenience expenditure within the catchment area and the ability of local shops to service a reasonable proportion of that expenditure. The Retail Capacity Assessment undertaken on behalf of the Council in August 2014 also identifies available expenditure in respect of the proposed new floorspace. It is also not considered that the proposal would impact adversely on the existing local centres at Ardgowan Road and Kip Park which have a well-defined and established function in providing a range of services. The proposal therefore complies with Policies TCR2 or TCR7 (g), (h) and (i) of the Local Development Plan.

The design of the development is also acceptable (Policy TCR7(b)), road safety is addressed (Policies TRA1 and TCR7(c)) as is residential amenity (Policies RES1, RES6 and TCR7(d)), protected species and biodiversity (Policy ENV7) and the impact on the Green Belt is acceptable (Policy ENV2) .

This leads on balance to concluding that the proposal, overall complies with the Inverclyde Local Development Plan.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. That prior to their use, samples of all facing materials relating to the development together with samples of all hardstanding shall be submitted to and approved in writing by the Planning Authority.
2. That prior to the commencement of work on site full details of a landscaping scheme and programme for completion shall be submitted to and approved by the Planning Authority. Development shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.
3. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
4. That details of maintenance and management for the landscaping approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
5. That all soft landscaping shall be completed prior to the opening of the retail shop hereby permitted.
6. That the recommendations set out in the Flood Risk Assessment prepared by Kaya Consulting Ltd and dated May 2017 shall be fully implemented to the satisfaction of the Planning Authority inclusive of details in respect of finished floor levels and flow pathway.
7. Prior to the commencement of works on site, full details of the drainage regime together with future maintenance shall be submitted to and approved in writing by the Planning Authority. The approved drainage regime shall then be fully implemented prior to the opening of the retail shop hereby permitted and subsequently maintained as approved at all times thereafter to the satisfaction of the Planning Authority.

8. Prior to the commencement of works on site confirmation of Scottish Water's acceptance of the proposals shall be submitted to and approved by the Planning Authority.
9. The car park area shall be completed and available for use to the satisfaction of the Planning Authority prior to the opening of the retail shop hereby permitted and shall then be retained and available for use at all times thereafter, to the satisfaction of the Planning Authority.
10. Prior to the commencement of works on site, a Delivery Management Plan shall be submitted to and approved in writing by the by the Planning Authority. All deliveries and other servicing of the site shall then be undertaken in accordance with the approved plan at all times thereafter.
11. The recommendations set out in the bat survey report by Nocturne Environmental Surveyors Ltd dated September 2017 shall be followed at all times during development, to the satisfaction of the Planning Authority.
12. The recommendations set out in the bird survey report by Nocturne Environmental Surveyors Ltd dated September 2017 shall be followed at all times during development, to the satisfaction of the Planning Authority.
13. Demolition works shall not be undertaken during the months of March to October inclusive.
14. The proposed means of access to the trunk road shall be constructed to a layout, type and method of construction to be approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced.
15. There shall be no drainage connections to the trunk road drainage system.
16. The form and detail relating to the provision of a pedestrian crossing should be submitted to and approved by the Planning Authority, after consultation with the Roads Authority, before the development is commenced.
17. A Traffic Management Plan shall be agreed with the Transport Scotland prior to any works associated with the demolition of the existing building and construction of the new buildings beginning on site.
18. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
19. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Strategy with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The Remediation Strategy shall also include a Verification Plan. Any subsequent modifications to the Remediation Strategy and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
20. That on completion of remediation and verification works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the



Planning Authority, confirming that the works have been carried out in accordance with the Remediation Strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material's source, volume, intended use and chemical quality with plans delineating placement and thickness.

21. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and amendments to the Remediation Strategy (i.e. that has not been included in contingency) shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
22. The premises shall not operate outwith the hours of 0700 and 2300 daily. For the avoidance of doubt, deliveries or collections to and from the site shall not be carried out between these hours.

#### Reasons

1. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
2. To ensure the provision of an appropriate landscaping scheme.
3. To ensure the retention of the approved landscaping scheme in the interests of visual amenity.
4. To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity.
5. To ensure the provision of a visually acceptable environment within an appropriate timescale.
6. To ensure protection from potential flooding.
7. To ensure the adequacy of the drainage regime for the application site.
8. To ensure Scottish Water's acceptance of the drainage regime for application site.
9. To ensure suitable parking provision for staff and customers, in the interests of road safety.
10. To ensure safe servicing arrangements for the site.
11. To ensure the protection of European Protected species.
12. To ensure the protection of nesting birds.
13. To avoid disturbance to European Protected species.
14. To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.
15. To ensure that the efficiency of the existing drainage network is not affected.

16. To ensure the form and layout of the pedestrian crossing is appropriate for the anticipated pedestrian demand and in line with current standards and that the safe and free flow of traffic on the trunk road is not diminished.
17. To maintain safety for both the trunk road traffic and the traffic moving to and from the development.
18. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
19. To satisfactorily address potential contamination issues in the interests of environmental safety.
20. To provide verification that remediation has been carried out to the Authority's satisfaction.
21. To ensure that all contamination issues are recorded and dealt with appropriately.
22. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.