

A meeting of the Planning Board will be held on Wednesday 5 June 2019 at 3pm within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal & Property Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
<p>2. Planning Applications Reports by Head of Regeneration & Planning on applications for planning permission as follows:-</p> <p>(a) Link Group Construction of 198 residential homes with road, all associated infrastructure, levels changes, amenity open space and landscaping provision including retention of key existing landscaping features: Ravensraig Hospital Grounds, Ravensraig Hospital, Inverkip Road, Greenock (18/0205/IC)</p>	p
<p>(b) River Clyde Homes Erection of a new build flatted development consisting of 39 units over 4.5 storeys and erection of a new build flatted development consisting of 48 units over 4 storeys: Vacant Site, James Watt Dock, Greenock (18/0279/IC & 18/0280/IC)</p>	p
<p>(c) Mr D Armour Proposed storage building and erection of fence within rear courtyard of coffee shop: 1 Drumpellier Place, Lochwinnoch Road, Kilmacolm (18/0176/IC)</p>	p

Enquiries to – **Rona McGhee** – Tel 01475 712113

Report To: The Planning Board

Date: 5 June 2019

Report By: Head of Regeneration and Planning

Report No: 18/0205/IC
Plan 06/19

Major Application
Development

Contact
Officer: David Ashman

Contact No: 01475 712416

Subject: Construction of 198 residential homes with road, all associated infrastructure, levels changes, amenity open space and landscaping provision including retention of key existing landscaping features at Ravenscraig Hospital Grounds, Ravenscraig Hospital, Inverkip Road, Greenock



SUMMARY

- Planning permission was granted in March 2019 subject to a Section 75 Agreement requiring that prior to the commencement of construction the applicant finances upgrading of the rail bridge at the north-eastern corner of the site to bring it up to adoptable standard; and that on completion the Council adopt maintenance and ownership of the bridge.
- The applicant is concerned that this process may delay start on site by up to 2 years and has requested a re-wording to enable construction to commence on site while requiring the upgrading to adoptable standard prior to occupation of the first residential unit.
- The recommendation is to AGREE to the proposed revision to the Section 75 Agreement.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PBNW74IMHUA00>

BACKGROUND

At its meeting on 6 March 2019 the Planning Board resolved to grant conditional planning permission for the construction of 198 dwellings, comprised of 48 flats and 150 houses, with associated roads and infrastructure, amenity open space and landscaping which retains key existing features. This was subject to, prior to the issuing of planning permission, the applicant entering into a Section 75 Agreement with the Council requiring:

“That the applicant finances upgrading of the Network Rail bridge at the north-eastern corner of the site to bring it up to adoptable standard; and on satisfactory completion the Council adopt maintenance and ownership of the bridge, all prior to the commencement of construction within the application site.”

On registration of the Section 75 Agreement the planning permission would be issued.

UPDATE

The applicant has sought to progress towards concluding terms of the Section 75 Agreement but, in doing so, and following legal advice, has raised reservations over the specific wording. Whilst offering no objection to the requirement to enter into a Section 75 Agreement and the need to finance upgrading works to the bridge, the applicant has expressed concern that the maintenance and ownership of the bridge be under the Council's control prior to the commencement of construction within the site. It is possible that it could take up to a year for bridge works to be completed and a further year from completion for the Council's adoption to take place, allowing for a defects maintenance liability period. This would delay the overall site start by up to 2 years.

The applicant had hoped, subject to the securing the remaining outstanding consents and concluding the Section 75 Agreement, to be in a position to commence the construction of the residential site in September 2019. Should there be an extensive delay to this programme the Scottish Government and Inverclyde Council's desire to have completed units by March 2021 would possibly not be achieved. In addition, such a delay could jeopardise the project viability as the current tender will have expired, a re-tendering process will be required, and there may be additional cost to the project as a result of inflation alone. The current live tender and an approved offer of grant from the Scottish Government gives the applicant certainty of delivery.

The applicant considers that the best way to resolve this issue would be to seek amendment of the wording of the Section 75 recommendation and the conditions before the Section 75 Agreement is concluded and the planning permission is issued.

Further discussions between the Head of Service – Roads and Transportation and the applicant have concluded revised wording as follows:

“That the scope of the works to the Network Rail Bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site; and that the agreed works be completed and the ownership of the bridge transfers to the Council for adoption and maintenance, prior to occupation of the first residential unit”.

This will allow works to commence as programmed on site. The Council, in its role as both roads and planning authority, is not disadvantaged as the applicant remains responsible for completing any necessary works to the bridge to bring it up to adoptable standard and the transfer of ownership of it to the Council, all prior to the first dwelling being occupied.

RECOMMENDATION

- A) That prior to the issuing of planning permission, a Section 75 Agreement shall be entered into requiring:

That the scope of the works to the Network Rail Bridge at the north-eastern corner of the site and their financing by the applicant to bring it up to adoptable standard and capable of carrying a 44t vehicle shall be agreed between the applicant and the Council prior to the commencement of construction within the application site; and that the agreed works be completed and the ownership of the bridge transfers to the Council for adoption and maintenance, prior to occupation of the first residential unit”

- B) That on registration of the Section 75 Agreement required by point A, the application be granted subject to the following conditions:
1. That prior to their use, samples of all facing materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter using the approved materials unless a variation is agreed in writing with the Planning Authority.
 2. That prior to their use samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority.
 3. That prior to the commencement of development full details of a phasing plan for all soft and hard landscaping and details of all management and maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority.
 4. That the landscaping scheme approved in terms of condition 3 above shall be implemented in full in accordance with the approved phasing plan. Any of the planting which is damaged, is removed, becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species.
 5. That prior to the commencement of development, full details of the equipped play area, including details of management and maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority including a phasing plan for provision of the play area. The play area shall subsequently be provided in accordance with the approved phasing plan.
 6. That prior to the commencement of development, details of traffic calming measures shall be agreed in writing with the Planning Authority.
 7. That no dwelling hereby permitted shall be occupied until the footway and road serving it is completed to sealed base course level.
 8. That prior to the last of the dwellings in each of the “neighbourhoods” hereby permitted being occupied, all footways and roads serving the dwellings in that neighbourhood shall be completed to final wearing course level.
 9. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas and all other surface water areas.
 10. That all surface water originating within the site shall be intercepted within the site.
 11. That prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted for approval.
 12. That removal/retractable bollards shall be fitted at the north-easternmost access from Inverkip Road prior to the commencement of development. Details of the bollards shall be submitted to and approved in writing by the Planning Authority prior to their use.

13. That development shall not proceed until the agreed Japanese Knotweed control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
14. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme 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 current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
15. That before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. 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 source, volume, intended use and chemical quality with plans delineating placement and thickness.
16. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
17. That existing trees both within the development site and in the vicinity of the boundary of the site which are not to be felled or lopped as part of the proposals are to be protected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012.
18. That no tree felling, lopping or scrub clearance shall take place within the main bird breeding season, March to June inclusive, and all such works will be preceded by a check for nesting birds in accordance with the Nature Conservation (Scotland) Act 2014 and the protection of wildlife. No development shall take place until details of protection measures have been submitted to and approved in writing by the Planning Authority.
19. That no development shall take place within the development site as outline in red on the approved plans until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of the archaeological resources within the development site is undertaken to the satisfaction of the planning authority and its archaeological advisor.
20. That the remote footpaths shown on the approved drawings shall be provided in accordance with a phasing plan to be submitted to and approved in writing by the Planning Authority. Full details of the means of connection and surfacing of the paths shall be submitted to and approved in writing by the Planning Authority prior to their provision.
21. That the recommendations contained within the Ecus Environmental Consultant's "Ecological Appraisal" dated February 2017 shall be implemented in full.

22. That the recommendations contained within the Echoes Ecology Ltd "Bat Survey" report, dated 25 July 2018 shall be implemented in full.
23. That no development shall take place on site until such time as details of a boundary fence adjacent to Network Rail's boundary has been submitted to and approved in writing by the Planning Authority. A suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary must be installed prior to occupation of the first dwelling hereby permitted and provision for the fence's future maintenance and renewal shall be made. Network Rail's existing boundary measure must not be removed without prior permission. The fencing shall be carried out only in full accordance with such approved details.
24. That drainage must be collected and diverted away from the railway unless through existing channels. 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 is subject to a minimum prior notice period for booking of 20 weeks.
25. That the proposed development shall be limited to 200 dwellings.
26. That the proposed A78(T)/Branchton Road/Gleninver Road junction shall be constructed to a layout generally consistent with Drawing 120756/1016, dated 17 October 2018, forming part of the Transport Assessment and provided in support of application 18/0205/IC. The finalised junction layout, type and method of construction shall be submitted for approval by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority, before any part of the development is commenced.
27. That the proposed A78(T)/proposed development emergency access junction shall be constructed to a layout generally consistent with Drawing 120756/1002 A, dated 22 November 2017, forming part of the Transport assessment and provided in support of application 18/0205/IC. The finalised junction layout, type and method of construction shall be submitted for approval by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority, before any part of the development is commenced.
28. That no part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
29. That prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Road Authority.
30. That there shall be no drainage connections to the trunk road drainage system.
31. That prior to the commencement of the construction period, a Construction Traffic Management Plan (CTMP) shall be prepared and agreed in consultation with the Local Authority and Transport Scotland.
32. That notwithstanding the terms of condition 1 above, the variation in bricks across the development shall be as per background paper annexe 1, dated 17 January 2019.
33. That prior to the commencement of development full details, including a timetable for provision of the remote footpaths, shall be submitted to and approved in writing by the Planning Authority.

Reasons

1. In the interests of visual amenity.
2. To ensure the suitability of these materials.
3. To ensure the timely provision of an adequate landscaping scheme in the interests of visual amenity.
4. To ensure retention of the approved landscaping scheme.
5. To ensure the provision of adequate play facilities.
6. In the interests of traffic and pedestrian safety.
7. To ensure the provision of adequate traffic and pedestrian facilities.
8. To ensure the provision of adequate traffic and pedestrian facilities.
9. To control runoff from the site to reduce the risk of flooding.
10. To control runoff from the site to reduce the risk of flooding.
11. To ensure adequate service connections can be achieved.
12. To ensure that this access is for emergency vehicular use only in order that the site is developed in accordance with the approved transport strategy.
13. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
14. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
15. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
16. To ensure that all contamination issues are recorded and dealt with appropriately.
17. To ensure preservation of the trees not to be removed.
18. In the interests of wildlife protection.
19. In the interests of antiquity.
20. To ensure the provision of adequate footpath connections.
21. In the interests of wildlife protection.
22. In the interests of wildlife protection.
23. In the interests of public safety and the protection of Network Rail infrastructure.
24. In the interests of public safety and the protection of Network Rail infrastructure.
25. To restrict the scale of the development to that suited to the layout of the existing access and minimise interference with the safety and free flow of traffic on the trunk road.
26. To minimise interference with the safety and free flow of the traffic on the trunk road.

27. To minimise interference with the safety and free flow of the traffic on the trunk road.
28. To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
29. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
30. To ensure that the efficiency of the existing drainage network is not affected.
31. To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice.
32. In the interests of creating a sense of place.
33. To ensure the safe provision of these footpaths.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

Report To: The Planning Board

Date: 5 June 2019

Report By: Head of Regeneration and Planning

Report No: 18/0279/IC
18/0280/IC
Plan06/19

**Local Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

Subject: Planning applications 18/0279/IC: Erection of a new build flatted development consisting of 39 units over 4.5 storeys; and 18/0280/IC: Erection of a new build flatted development consisting of 48 units over 4 storeys

at

Vacant Site, James Watt Dock, Greenock



SUMMARY

- The proposals accord with the Inverclyde Development Plan.
- Four objections have been received to planning application 18/0279/IC and twenty-six objections plus one representation to planning application 18/0280/IC raising concern over a number of issues including traffic, land contamination, impact on built and natural heritage, design and layout and loss of open space.
- Consultees 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=PG4XXBIMIV900>

SITE DESCRIPTION

The application sites form part of former industrial land at James Watt Dock and are located to the east of the A-listed Sugar Sheds and the Dock, to the north of East Hamilton Street, to the west of the Council's Pottery Street depot and to the south of the Riskend Aggregates/Cemex site beyond which is the Great Harbour. The sites are part of a development platform, surfaced with rubble and which is largely level with the exception of a peripheral berm. Construction work has commenced on the wider development platform in implementation of earlier planning permissions.

PROPOSAL

Planning permission is sought for the construction of 87 flats between the two applications within an overall development site of originally 134 flats.

Planning application 18/0279/IC consists of 39 flats contained within one four and a half storey block with its main frontage onto Douglas Rae Road and with a smaller secondary north-east facing elevation. Planning application 18/0280/IC consists of 48 flats contained within two contiguous four storey blocks of flats, the larger of which contains 40 flats and has its frontage onto Douglas Rae Road and the second of which contains 8 flats and fronts onto East Hamilton Street. The latter application also includes a hard-landscaped area of amenity open space with seating at the corner of East Hamilton Street and Douglas Rae Road.

Both applications include car parking and landscaping which is based upon the provision made for the overall development site of originally 134 flats. This overall site was granted planning permission by four separate planning permissions granted in 2018. The current applications will amend two of these permissions and part of a third. Planning permissions 17/0339/IC (for 48 flats over two 4 storey blocks) and 17/0340/IC (for 24 flats over 4 storeys) are to be amended whilst one of the blocks approved under planning permission 18/0050/IC (for 32 flats over a mix of 4 and 4.5 storeys) will not now be built. The remaining planning permission is 18/0049/IC (for 30 flats over 4.5 storeys) which remains unaltered. The revised proposals take the overall total number of flats to be built to 137 units.

All the flats are to be finished in red multi-coloured brick with contrasting buff brick detailing. The floor levels are to be defined by vertically arranged red multi, rough, rusticated brick courses. Some anthracite coloured aluminium curtain walling is also to be introduced as a feature at the staircases. Windows and doors are to be finished in anthracite coloured uPVC. Where patio doors are to be provided these will be safeguarded by anthracite coloured Juliet balcony railings. The apex roofs will be finished with concrete roof tiles. uPVC gutters, rain water pipes, soffits and fascias will be used throughout.

The applications are supported by a Flood Risk Assessment and details of the drainage regime. The previous applications were also accompanied by a Noise Assessment, a Design and Access Statement and a Site Investigation. These documents hold true for the present applications. The specific new Flood Risk Assessment and drainage details were required as the layout changes from the previous approvals on these sites required different arrangements to be made. The Flood Risk Assessment indicates that should there be a flooding event originating from East Hamilton Street the flood waters will be directed via swales and new culverts along the eastern site boundary, eventually discharging into the Great Harbour.

DEVELOPMENT PLAN POLICIES

Policy SDS3 - Place Making

High-quality place making in all new development will be promoted by having regard to Inverclyde's historic urban fabric, built cultural heritage and natural environment, including its setting on the coast and upland moors. This heritage and environment will inform the protection and enhancement of Inverclyde by having regard to the Scottish Government's placemaking policies, in particular through the application of 'Designing Places' and 'Designing Streets' and through embedding Green Network principles in all new development.

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 MAC 1-7 - Major Areas of Change

The Council will support the redevelopment of the areas designated 'Major Areas of Change' on the Proposals Map by having regard, where applicable, to:

- (i) approved planning permissions (in outline, in principle or detailed);
- (ii) approved masterplans/development frameworks and briefs;
- (iii) the future submission and approval of a masterplan/development framework; and additionally,

taking cognisance of the planning strategies, area policy and preferred land uses outlined under each of the respective Areas, MAC1 to MAC7, in Supplementary Guidance.

Policy SDS7 Regeneration and Renewal Priorities

Appropriate new investment and development will be directed to the Waterfront and to the Council's partnership renewal areas - 'Major Areas of Change' and 'Areas of Potential Change' - as identified on the Proposals Map and in accordance with the Plan's Supplementary Guidance on Local Development Frameworks.

Policy RES2 - Development on Urban Brownfield Sites

Development on brownfield sites for housing and community uses in the residential areas identified on the Proposals Map, and in particular the designated renewal areas, will be supported where it accords with Policies RES1 and RES5, except where:

- (a) an alternative use of greater priority or significant social and/or economic/employment benefit is identified; or
- (b) an alternative use is identified through an agreed area renewal initiative (refer Policy SDS7); or
- (c) it would result in an unacceptable loss of designated and locally valued open space (refer Policy ENV4).

Note: the designated renewal areas referred to are the "Major Areas of Change" and "Areas of Potential Change" depicted on the Proposals Map.

Policy RES3 - Residential Development Opportunities

Residential development will be encouraged and supported on the sites and indicative locations included in Schedule 6.1 and indicated on the Proposals Map. An annual audit of the housing land supply will monitor and review and, where necessary, augment the Effective Land Supply, to maintain a minimum five year's supply in accordance with the GCV SDP and SPP guidance.

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 INF5 - Sustainable Urban Drainage Systems

Proposed new development should be drained by appropriate Sustainable Urban Drainage Systems (SUDS) designed in accordance with the CIRIA SUDS Manual (C697) and, where the scheme is to be adopted by Scottish Water, the Sewers for Scotland Manual Second Edition. Where the scheme is not to be adopted by Scottish Water, the developer should indicate how the scheme will be maintained in the long term.

Where more than one development drains into the same catchment a co-ordinated approach to SUDS provision should be taken where practicable.

Policy HER5 - The Setting of Listed Buildings

Development will be required to have due regard to the effect it has on the setting of, and principal views to, listed buildings and shall be without detriment to their principal elevations and the main approaches to them. All proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" applies.

Supplementary guidance on "Local Development Frameworks" applies.

PROPOSED DEVELOPMENT PLAN POLICIES

The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan in this report incorporates the Reporter's recommended modifications and the non-notifiable modifications approved on 2 May 2019.

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 3 - Priority Places

The Council will support comprehensive redevelopment proposals for the Priority Places where these are in line with the preferred strategy set out in Schedule 2 and the development frameworks set out in the Priority Places Supplementary Guidance.

Policy 8 - Managing Flood Risk

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

- be at significant risk of flooding (i.e within the 1 in 200 year design envelope);
- increase the level of flood risk elsewhere; and
- reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.

Policy 9 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

Policy 18 - New Housing Development

New housing development will be supported on the sites identified in Schedules 3 and 4, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Development Briefs for Housing Sites, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development. There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages which are brought forward under Policy 17 to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Policy 29 - Listed Buildings

Proposals for development affecting a listed building, including its setting, are required to protect its special architectural or historical interest. In assessing proposals, due consideration will be given to how the proposals will enable the building to remain in active use.

Demolition of a listed building will not be permitted unless the building is no longer of special interest; it is clearly incapable of repair; or there are overriding environmental or economic reasons in support of its demolition. Applicants should also demonstrate that every reasonable effort has been made to secure the future of the building.

Proposed Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" applies.

Supplementary Guidance on "Priority Places" applies.

CONSULTATIONS

Scottish Environment Protection Agency West – No objection.

Head of Service – Roads and Transportation – The following comments have been provided:

- The applicant shall demonstrate visibility splays of 2.4m by 43.0m by 1.05m can be provided from the development onto Douglas Rae Road and the new road to the north of the site which accesses the roundabout.
- A Road Construction Consent will be required for the road within the application site, for the unadopted parking spaces and for public footways.
- The proposed development will have an impact on street lighting, accordingly a lighting and electrical design for adoptable areas will be required for each site. A system of lighting shall be kept operational at all times within the existing public adopted areas.
- All surface water during and after development is to be maintained within the site boundary to prevent any surface water flowing onto the road. The surface water from the car parking spaces cannot flow over the public footpath.
- Confirmation of connection to the Scottish Water Network should be submitted for approval and Scottish Water's approval to the drainage layout.
- Confirmation of the maintenance regime for the surface water swales is required.
- Confirmation of maintenance and ownership responsibilities of the drainage system is required.

Head of Environmental and Public Protection (Environmental Health) - No objection subject to conditions in respect of Japanese Knotweed, site contamination, external lighting, times and methods of working, sound insulation, noise attenuation measures, an acoustic bund along the eastern boundary of the site, and the installation of triple glazing and trickle ventilation within the properties. Advisory notes are suggested in respect of site drainage, the Construction (Design & Management) Regulations 2015, surface water and gull controls.

Transport Scotland - No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 19 October 2018 as development affecting the setting of a listed building.

SITE NOTICES

A site notice was posted on 19 October 2018 for affecting the setting of a listed building.

PUBLIC PARTICIPATION

Planning application 18/0279/IC is the subject of 4 objections. The objections may be summarised as follows:

- More housing will have a detrimental effect on any industrial investment adjacent due to noise pollution complaints from occupants of houses already on the site and from any new buildings proposed. Existing businesses within the area are already subject to noise complaints.
- Future industrial investment in the wider Docks area could be compromised.
- There is a potential compromise with respect to the Environment and Regeneration Committee proposal of 25 October 2018 aimed at saving Inchgreen Dock.

Planning application 18/0280/IC is the subject of 27 objections and one representation. The points of objection may be summarised as follows:

- There is a lack of industrial land in Inverclyde.
- There should be a block on all future changes of use for industrial land and any residential development on the waterfront to allow economic appraisal of marine enterprises.
- A noise assessment requires to be undertaken.
- Assessment of traffic access impact to Garvel Dry Dock should have been undertaken.
- Concerns over lack of flood risk assessment.

- The proposal sets a precedent for residential development of Garvel Island and the Inchgreen area.
- This will result in a loss of waterfront space to future development and expansion of maritime and marine activity, including but not restricted to, sailing and other recreational activity, public amenity/access to the River and development of facilities and infrastructure for new marine industry.
- Given this is an affordable housing proposal (for people who may commute to Glasgow) it is unlikely to be of benefit to the local community.
- There is plenty of other unused housing stock in Inverclyde.
- Jobs should be prioritised over housing.
- There are concerns over light pollution from Cappielow Park floodlights.

The representation is supportive of the proposed new build but concerns are expressed over the long term future of the adjacent Sugar Sheds and the possibility that the proposed development may frustrate attempts to redevelop it due to the loss of land for associated development, such as parking provision. It is suggested that part of the application site be reserved for future use of the Sugar Sheds.

ASSESSMENT

The material considerations in determination of these applications are the adopted and proposed Inverclyde Local Development Plans, the adopted and proposed Planning Application Advice Notes (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", the supplementary guidance on "Local Development Frameworks" and "Priority Places", the consultation replies, the representations, the planning history of the sites, the applicant's supporting information, and Historic Environment Scotland's "Historic Environment Policy for Scotland" (which replaces the SHEP) and the "Managing Change in the Historic Environment" guidance note on "Setting".

Planning permission in principle was granted in January 2010 for mixed use development comprising housing, commercial, business, hotel, marina, landscaped public open space, access roads and off-street car parking at James Watt Dock/Garvel Island and the Great Harbour. This was subject to various conditions and an approved masterplan which set out development areas for the various land uses. The masterplan identified the application site as part of a wider area for residential development. The principle of the residential development of James Watt Dock and Garvel Island is therefore well established.

Detailed planning permission was granted in March 2018 on the current application sites for three of the four planning permissions covering the whole of the development site (17/0339/IC, 17/0340/IC and 18/0050/IC). The current applications seek to amend these existing permissions. The proposals were found to be compatible with the adopted Local Development Plan and no other material considerations were found suggesting that planning permission should be refused.

The current proposals are for a different layout of the blocks fronting westwards onto Douglas Rae Road and southwards onto East Hamilton Street, with a much smaller element of one block facing northwards towards the Great Harbour. The blocks forming part of application 18/0279/IC now contain attic development incorporating dormer window style roof projections as part of the proposal, raising this block to 4.5 storeys. The other blocks, forming application 18/0280/IC, remain at 4 storeys and are designed similarly to the previously approved blocks. The proposed Local Development Plan has emerged since the earlier approvals but it is considered appropriate to consider the new proposals against the adopted and proposed Local Development Plans.

The application sites are located within an area covered by Policy MAC2 of the adopted Plan, a "Major Area of Change" and are one of the Council's "Priority Places" under Policy 3 of the proposed Plan. The content of both of these policies reflects the earlier planning permission in principle referred to above.

Policy MAC2 indicates the Council's support for the redevelopment of these areas by having regard to (i) approved planning permissions (in outline, in principle or detailed); (ii) approved masterplans/development frameworks and briefs; (iii) the future submission and approval of a masterplan/development framework; and, additionally, taking cognisance of the planning strategies, area policy and preferred land uses outlined under each of the respective areas. The application site is within an area associated with the earlier planning permission in principle referred to above and is in accord with both the terms of this permission and the associated masterplan. The proposal will not, therefore, result in a loss of land allocated for industrial or maritime activities. Furthermore, the supplementary guidance on "Local Development Frameworks" notes that the planning strategy for James Watt Dock and Garvel Island is predominantly housing led and the associated diagram specifically identifies the larger development platform within which the application site sits as a housing development opportunity. It therefore follows that the proposal accords in principle with Policy MAC2. Policy 3 of the proposed Plan is similar, in that it highlights the Council's support of comprehensive redevelopment proposals for the Priority Places where these are in line with the preferred strategy in Schedule 2 to the policy (which includes housing) and the development frameworks set out in the "Priority Places" Supplementary Guidance. This also identifies the larger development platform within which the application site sits as a housing development opportunity.

It follows that the proposal also accords in principle with Policies SDS5, SDS7 and RES2 of the adopted Plan. It also accords with Policy SDS5 as it constitutes new development on previously used (brownfield) land within the urban settlement and with Policies SDS7 and RES2 as it comprises new investment and residential development within a "Major Area of Change".



I further note that the application site is included in Schedule 6.1 to Policy RES3 of the adopted Plan. This policy indicates that residential development will be encouraged and supported on the sites and indicative locations in Schedule 6.1. Schedule 4 to the equivalent Policy 18 of the proposed Plan represents an updated consideration of the capacity of the two application sites and the remainder of the development platform which has already been subject to planning permission (planning permissions 18/0049/IC and 18/0050/IC). Collectively the existing and proposed developments would result in the provision of 137 flats, which exceeds the indicative capacity of 135 in the Schedule by two units. I do not consider this overprovision to be of significance.

It remains to be considered if the level of development proposed is capable of being delivered on the site and is, in all other respects, acceptable. Considering this, the level of car parking and open space provision are key factors.

Rather than assess parking and open space provision for these applications alone it is appropriate to consider the wider context. Taking the two current applications and the two adjacent planning permissions together, 137 car parking spaces are provided for 137 flats. This level of parking provision is regarded as acceptable by the Head of Service – Roads and Transportation.

Under the guidance provided by both the adopted and proposed PAAN3s, the proposal is assessed as a flatted development within a large infill site. Open space provision is based on 10 square metres per bed space assuming an occupancy rate of two persons per double bedroom and one person per single bedroom. On this basis 2,350 square metres requires to be provided; the proposed overall development provides approximately 5,130 square metres. I also note that the largest concentration of open space includes the provision of an equipped childrens' play area.

I therefore conclude that although the proposed overall development exceeds the number of residential units anticipated by both the adopted and proposed Plans, the application site can nevertheless comfortably accommodate the proposed development and there are no adverse implications with respect to Policies RES3 and 18.

A further factor to be considered is flood risk and drainage arrangements, given that part of the site is identified as an area at risk in SEPA's Flood Map. While I note objections submitted relating to lack of information, the applicant has now provided a flood risk assessment which has been accepted by the Head of Service – Roads and Transportation. The ground floor level of the flats and the surrounding land is set at a datum which addresses concerns over potential flooding. Furthermore, a drainage solution acceptable to the Head of Service – Roads and Transportation has been proposed by the applicant, although it is important that this is in place before the first of the flats on the wider site is occupied. This matter may be addressed by conditions to ensure that the necessary additional consents are secured. Other associated drainage related matters may be addressed by condition. I am therefore satisfied that the requirements of Policy INF4 of the adopted Plan and the equivalent Policy 8 of the proposed Plan in respect of reducing flood risk have been met. The requirements of Policy INF5 of the adopted Plan and the equivalent Policy 9 of the proposed Plan may be met through the aforementioned conditions.



Policy HER5 of the adopted Plan and the equivalent Policy 29 of the proposed Plan require that development has due regard to the effect on the setting of, and principal views to, listed buildings and shall be without detriment to their principal elevations and the main approaches to them. All proposals will be assessed having regard to the "Historic Environment Policy for Scotland" and the "Managing Change in the Historic Environment" guidance notes, the relevant one in this instance being "Setting". The proposed flatted blocks sit to the east of the Sugar Sheds and, although across Douglas Rae Road, have the potential to impact on the setting of the Sugar Sheds. Careful attention to design of the flats and restricting their height has been negotiated which acknowledges the setting of the Sugar Sheds, ensuring the proposed flats are no higher, that their design is complementary, and that they are finished in materials which coordinate well, including the incidental use of buff brick contrasting with the main red brick finish. I am therefore satisfied that the proposal respects the setting of the Sugar Sheds, accords with the guidance on "Setting", and is an intelligent and sympathetic development of the historic environment in accordance with the Historic Environment Policy for Scotland. I am consequently satisfied that the proposal complies with the requirements of Policies HER5 and 29.

In view of the above conclusions I consider that the proposals accord with Policy SDS3 of the adopted Plan and Policy 1 of the proposed Plan in that a high quality place, respecting the historic urban fabric and the built cultural heritage, reflecting the local architecture and urban form, and minimising parking on the streetscene will be created.

Overall the proposals accord with the adopted and proposed Inverclyde Local Development Plans. It remains to be considered, however, if there are any material considerations which suggest that planning permission should not be granted.

Turning first to the consultee replies, I note that none raise objections to the proposals. The comments of the Head of Service – Roads and Transportation may be addressed by conditions or advisory notes. The matters raised by the Head of Environmental and Public Protection (Environmental Health) may be addressed by conditions with regard to concerns over Japanese Knotweed, contaminated land and some noise issues. The use of triple glazing where suggested would address the concerns of objectors in this respect. A noise assessment was submitted for the original permissions, which the current applications seek to amend, and it was found that the acoustic measures proposed and conditioned, including the use of triple glazing and noise baffle walls, would address these issues. The same approach requires to be taken for the current applications. All other matters may be more properly the subject of advisory notes as these are under the auspices of other legislation which should not be subject to duplication under planning controls.

Some points of objection have not been addressed above. It is conjecture that the proposed developments would adversely impact future industrial (or indeed other) forms of investment in the surrounding area and this could not form a basis for refusal of planning permission. The supply of industrial land is kept under continuous review as part of the Local Development Plan process and there is no lack of such land. It would not be in the economic interests of Inverclyde to have a wholesale restriction on the change of use of vacant industrial land to other uses, including residential, as this could frustrate investment and adversely impact the local economy. Flatted development in dockland locations can sit comfortably alongside marine enterprises and is commonly found elsewhere. The proposed developments will not cause access issues to Garvel Dry Dock due to the geometry of the established roads.

The applications do not extend to the Inchgreen area, nor do either the adopted or proposed Plans support residential development in these locations. Furthermore the application site does not share a common boundary with any part of the waterfront, thus it will have no impact on access.

There will be benefit to the local community not least in providing affordable housing opportunities, regardless of provision elsewhere. There is an identified housing need and this is a brownfield site that has lain undeveloped and unused for a number of years.

I note the concerns expressed over possible light pollution from the floodlights at Cappielow Park. The football ground is remote from the application site, approximately 140 metres distant, with intervening ground. Furthermore, the floodlights are not directed towards the proposed housing. I also take into consideration that the floodlights operate on a very limited part-time basis.

The 25 October 2018 meeting of the Environment and Regeneration Committee referred to by objectors calls upon the Scottish Government to engage with the Inchgreen Dock owners to secure the assets for the nation, thus facilitating full use of the Dock. Inchgreen Dock is a geographically separate site, distant from the application sites and it is not considered that the proposed developments have any direct impact.

I recognise the observations in respect of the future development of the Sugar Sheds but also note, for example, the parking opportunities which immediately surround the building. To reserve part of the application site for any possible future use of the Sugar Sheds would sterilise development and potentially create a car park frontage to East Hamilton Street, which would be to the detriment of visual amenity.

I therefore conclude that there are no material considerations suggesting that planning permission should not be granted, subject to appropriate conditions.

RECOMMENDATION

That the applications be granted, subject to the following conditions:

Planning application 18/0279/IC

1. That prior to their use samples of all the facing materials to be used in the construction of the flats hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority.
2. That prior to their use samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority.
3. That prior to the commencement of development full details of all soft landscaping within the site shall be submitted to and approved in writing by the Planning Authority. This shall include management and maintenance arrangements.
4. That the landscaping scheme approved in terms of condition 3 above shall be implemented in full within the first planting season after the first of the flatted dwellings hereby permitted is occupied. Any of the planting which is damaged, is removed, becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species.
5. The play area approved under planning permission 17/0339/IC shall be implemented in full prior to occupation of the 20th flat hereby permitted by this permission or that of planning permissions 18/0049/IC, 18/0050/IC or 18/0280/IC.
6. That details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include a scheme for a bund on the boundary separating the application site from the depot to the east, the planting of this mound, and the installation of a 3 metres high acoustic screen. The bund and acoustic screen shall be completed prior to occupation of the first of the flats hereby permitted.
7. That parking provision shall be on the basis of 1 space per dwelling. The required parking bays for each flat and the vehicular manoeuvring area serving it shall be provided to sealed base course level prior to the associated flat being occupied.
8. That no flat shall be occupied until the footway and road serving the flat is completed to sealed base course level.
9. That prior to occupation of the last of the flats hereby permitted the roads, footways, car parking spaces and their associated manoeuvring areas shall be completed to final wearing course.
10. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas. For the avoidance of doubt, this includes the maintenance regime for the surface water swales and confirmation of maintenance and ownership responsibilities of the drainage system.
11. All surface water during and after development is to be maintained within the site boundary to prevent any surface water flowing onto the road. The surface water from the car parking spaces cannot flow over the public footpath.

12. That prior to the commencement of development, confirmation of connection to the Scottish Water Network and Scottish Water's approval for the drainage layout shall be submitted for approval.
13. 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 appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
14. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme 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 current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
15. That before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. 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 source, volume, intended use and chemical quality with plans delineating placement and thickness.
16. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
17. That triple glazing with trickle ventilation shall be installed within the flats hereby permitted prior to their occupation.
18. That a visibility splay of 2.4 metres by 43 metres by 1.05 metres shall be provided at the entry to the site and shall be maintained thereafter.
19. That prior to the commencement of development a detailed specification of the bin stores shall be submitted to and approved in writing by the Planning Authority.
20. That for the avoidance of doubt, the mitigation measures in the "Development at James Watt Dock, Greenock" Flood Risk Assessment, dated May 2019 by Kaya Consulting Limited and detailed in application drawings 301879-032 Rev E and 301879-033 Rev E shall be implemented in full prior to occupation of the first flatted dwelling hereby permitted.

Reasons

1. To ensure that the facing materials complement the neighbouring Sugar Sheds.
2. To ensure the suitability of these materials.
3. To ensure the provision of an adequate landscaping scheme in the interests of visual amenity.

4. To ensure retention of the approved landscaping scheme.
5. To ensure the provision of adequate play facilities in the interests of future residents.
6. To ensure the provision of adequate boundary treatments in the interests of visual amenity and, in the case of the eastern boundary, to accord with the recommendations of the Noise Assessment.
7. To ensure the provision of adequate parking facilities.
8. To ensure the provision of adequate traffic and pedestrian facilities.
9. To ensure the provision of adequate traffic and pedestrian facilities.
10. To control runoff from the site to reduce the risk of flooding.
11. To control runoff from the site to reduce the risk of flooding.
12. To ensure adequate service connections can be achieved.
13. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
14. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
15. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
16. To ensure that all contamination issues are recorded and dealt with appropriately.
17. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
18. In the interests of pedestrian and vehicular safety.
19. In the interests of visual amenity.
20. To prevent flooding of properties within and outwith the application site.

Planning application 18/0280/IC

1. That prior to their use samples of all the facing materials to be used in the construction of the flats hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority.
2. That prior to their use samples of all hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in writing with the Planning Authority.
3. That prior to the commencement of development full details of all soft landscaping within the site shall be submitted to and approved in writing by the Planning Authority. This shall include management and maintenance arrangements.
4. That the landscaping scheme approved in terms of condition 3 above shall be implemented in full within the first planting season after the first of the flatted dwellings hereby permitted is occupied. Any of the planting which is damaged, is removed,

becomes diseased or dies within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species.

5. The play area approved under planning permission 17/0339/IC shall be implemented in full prior to occupation of the 20th flat hereby permitted by this permission or that of planning permissions 18/0049/IC, 18/0050/IC or 18/0279/IC.
6. That details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include a scheme for a bund on the boundary separating the application site from the depot to the east, the planting of this mound, and the installation of a 3 metres high acoustic screen. The bund and acoustic screen shall be completed prior to occupation of the first of the flats hereby permitted.
7. That parking provision shall be on the basis of 1 space per dwelling. The required parking bays for each flat and the vehicular manoeuvring area serving it shall be provided to sealed base course level prior to the associated flat being occupied.
8. That no flat shall be occupied until the footway and road serving the flat is completed to sealed base course level.
9. That prior to occupation of the last of the flats hereby permitted the roads, footways, car parking spaces and their associated manoeuvring areas shall be completed to final wearing course.
10. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas. For the avoidance of doubt, this includes the maintenance regime for the surface water swales and confirmation of maintenance and ownership responsibilities of the drainage system.
11. All surface water during and after development is to be maintained within the site boundary to prevent any surface water flowing onto the road. The surface water from the car parking spaces cannot flow over the public footpath.
12. That prior to the commencement of development, confirmation of connection to the Scottish Water Network and Scottish Water's approval for the drainage layout shall be submitted for approval.
13. 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 appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
14. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme 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 current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
15. That before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. 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 source, volume, intended use and chemical quality with plans delineating placement and thickness.

16. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
17. That triple glazing with trickle ventilation shall be installed within the flats hereby permitted prior to their occupation.
18. That a visibility splay of 2.4 metres by 43 metres by 1.05 metres shall be provided at the entry to the site and shall be maintained thereafter.
19. That prior to the commencement of development a detailed specification of the bin stores shall be submitted to and approved in writing by the Planning Authority.
20. That for the avoidance of doubt, the mitigation measures in the "Development at James Watt Dock, Greenock" Flood Risk Assessment, dated May 2019 by Kaya Consulting Limited and detailed in application drawings 301879-032 Rev E and 301879-033 Rev E shall be implemented in full prior to occupation of the first flatted dwelling hereby permitted.

Reasons

1. To ensure that the facing materials complement the neighbouring Sugar Sheds.
2. To ensure the suitability of these materials.
3. To ensure the provision of an adequate landscaping scheme in the interests of visual amenity.
4. To ensure retention of the approved landscaping scheme.
5. To ensure the provision of adequate play facilities in the interests of future residents.
6. To ensure the provision of adequate boundary treatments in the interests of visual amenity and, in the case of the eastern boundary, to accord with the recommendations of the Noise Assessment.
7. To ensure the provision of adequate parking facilities.
8. To ensure the provision of adequate traffic and pedestrian facilities.
9. To ensure the provision of adequate traffic and pedestrian facilities.
10. To control runoff from the site to reduce the risk of flooding.
11. To control runoff from the site to reduce the risk of flooding.
12. To ensure adequate service connections can be achieved.
13. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

14. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
15. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
16. To ensure that all contamination issues are recorded and dealt with appropriately.
17. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
18. In the interests of pedestrian and vehicular safety.
19. In the interests of visual amenity.
20. To prevent flooding of properties within and outwith the application site.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

Report To: The Planning Board

Date: 5 June 2019

Report By: Head of Regeneration and Planning

Report No: 18/0176/IC

Local Application
Development

Contact Officer: Carrie Main

Contact No: 01475 712412

Subject: Proposed storage building and erection of fence within rear courtyard of coffee shop at
1 Drumpellier Place, Lochwinnoch Road, Kilmacolm



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SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- Representations have been received on behalf of six neighbours and from Kilmacolm Civic Trust relating to design, the operation of the coffee shop, roads and infrastructure and property title issues.
- Consultees present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PA7QWBIMHYY00>

SITE DESCRIPTION

Located within the Kilmacolm Cross Conservation Area, 1 Drumpellier Place is a ground floor coffee shop within a two and a half storey Victorian building with residential properties above. The site is on the north-eastern side of the junction of Elphinstone Court and Lochwinnoch Road. To the rear of the building fronting Elphinstone Court is an open yard.

The yard, which is used for car parking, is set behind the pavement on the north-east side of Elphinstone Court, with double yellow lines prohibiting on-street parking along this frontage. The rear elevation of the building has a flight of external stairs leading down to the yard from first floor level. Elsewhere, the yard is bound by a single storey outbuilding attached to the rear of 3 Drumpellier Place and by an approximately 1.8m high timber fence to a private residential car park. Four storey flats lie opposite the application site.

Planning permission was granted in 2017 (ref: 17/0262/IC) for outdoor seating associated with the café on areas of pavement immediately outside the premises and fronting Drumpellier Place and Elphinstone Court.

PROPOSAL

It is proposed to construct an approximately 3.8m long by 3m deep lean-to storage building set back approximately 5m from the footway on Elphinstone Court and immediately parallel to the 1.8m high timber fence at the boundary with the car park. The building is approximately 1.9 metres high directly adjacent to the fence, rising to a maximum height of approximately 2.3 metres. The building is clad in stained timber and has a roof with a felt finish.

Double doors on the building open outwards onto the courtyard. There is also a pedestrian side door facing away from the road. Parallel to the south-west gable is a length of timber screen fencing set at right angles to and matching the height and design of the existing car park fence.

The proposed site layout formalises three off-street parking spaces set immediately behind the footway heel on Elphinstone Court. One parking space is formed in front of the south-west gable of the storage building and measures 5.0m in length by 2.5m in width. The other two parking spaces are located more centrally within the yard and measure 5.5m in length by 2.5m in width. A 1.2 metre passageway passes between two of the parking spaces to allow access to the store and the external stair from Elphinstone Court.

DEVELOPMENT PLAN POLICIES

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourrock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock
- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourrock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

PROPOSED DEVELOPMENT PLAN POLICIES

The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan in this report incorporates the Reporter's recommended modifications and the non-notifiable modifications approved on 2 May 2019.

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 22 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- there is not a suitable sequentially preferable opportunity;
- there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 28 - Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

CONSULTATIONS

Head of Service – Roads and Transportation– The 2 parking spaces at 5.5m x 2.5m one space at 5.0m x 2.5m are acceptable, however any vehicles must not overhang the footway as an obstruction may incur enforcement action.

Head of Environmental and Public Protection (Environmental Health) – no objections.

PUBLICITY

The application was advertised as a development affecting a conservation area.

SITE NOTICES

A site notice was posted as a development affecting a conservation area.

PUBLIC PARTICIPATION

The application was amended during the assessment period and re-neighbour notification was undertaken. Overall, written representations were received from or on behalf of six neighbours. Two representations have also been received from Kilmacolm Civic Trust, the first objecting, the second following amendment offering no objection.

The objectors are concerned that:

Design

- the proposed building is too large for its purpose and will introduce an unsightly bulky feature within the Conservation Area.
- the proposed building is too close to the rear of 3 Drumpellier Place.
- concealment afforded by the building has the potential to compromise the security of rear cellars at Drumpellier Place.
- a precedent may be set for the erection of further structures to form backland development.

Legal issues

- title restrictions may prevent construction from proceeding.
- neighbours of the café shall be denied the use of an area of common space.
- ownership of the site requires to be established.
- rights of access over the rear courtyard shall be restricted.
- the applicant is not the owner; only an owner should be permitted to apply.

Operation of the coffee shop

- a previous planning permission granted in 2017 and which included the formation of an external seating area on the footways adjoining the café's frontages to Lochwinnoch Road and Elphinstone Court did not include any proposal for a separate structure to store tables and chairs - the applicant should be satisfied that storage facilities existed within the café.
- previous proprietors who have operated tables and chairs outside have stored them within the café.
- the applicant's design statement advises the development of the external seating area is an essential part of the business's strategy, however, the external seating area cannot be enlarged outwith the confines of the existing planning permission.

Roads and infrastructure issues

- availability of off-street parking shall be reduced.

- there is a potential that underground services may run below the site of the proposed building.
- access to the rear of St James Terrace and Drumpellier Place by emergency services may be hindered.

ASSESSMENT

While I note that there are objections relating to title and ownership rights, for the purpose of validation of the planning application the applicant has completed his obligations in respect of notification of other owners of the application site under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

I am also aware that the previous operator of the coffee shop found no need for additional storage, but this can have no bearing on the determination of the planning application. Similarly, assessment of this application may also not revisit the terms of previous planning permissions. The applicant's Design Statement explains that the Council's "Requirements for Operation of a Street Café" require adequate provision to be made for the storage of all items of furniture at the end of each working day, but that size constraints within the café and a planning condition limiting the hours of operation of the outside seating combine to render it impractical to store the seats tables and barriers within the café. These matters may not form the basis for the approval of this planning application which requires to be considered on individual merit.

The determining issues are is it acceptable to locate a building within the yard and, if it is, is the design and position appropriate with reference to both visual impact and road safety.

In addressing these determining issues, the material considerations are the adopted Local Development Plan, the proposed Local Development Plan, Historic Environment Scotland's Policy for Scotland (which supersedes the SHEP) and the "Managing Change in the Historic Environment" guidance note on "Setting", the consultation responses and the written representations.



In firstly considering the principle of erecting outbuildings within the rear yard, it requires to be recognised that within the rear areas of business and residential flatted buildings there are often outbuildings. This development will not set a precedent. These buildings are erected to assist the use of the linked businesses or homes, and in planning policy terms there is nothing to prohibit the principle of such development. Indeed, it may be considered that the use of this building for any storage in connection with the associated business helps to support the vibrancy, vitality and viability of that business and in turn the village centre. This is compliant with the aims of the Policy TCR1 of the current Local Development Plan and Policy 22 of the proposed Local Development Plan.

With the acceptability of erecting outbuildings in rear yards established, it is necessary to examine the design and position.

The yard is within the Kilmacolm Cross Conservation Area. Policies HER1 of the adopted Plan and 28 of the proposed Plan combine to seek to preserve and enhance the character, pattern of

development and appearance of the Conservation Area. The best measure as to whether or not the proposal has an acceptable impact upon the Conservation Area is to assess it against Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note "Setting". Setting is the way the surroundings of a historic place contributes to how it is understood, appreciated and experienced.

The site of the proposed building is within a courtyard set to the rear of commercial premises, albeit with an open frontage to the public domain in Elphinstone Court. This is not backland development. The rear courtyard is a functional area and, I consider, makes no significant contribution to the way in which the Kilmacolm Cross Conservation Area is understood, appreciated and experienced. Furthermore, the proposed building is of modest scale and partly screened from public view by fencing of a matching design and connected to that forming the courtyard's north-west (side) boundary. I am thus content that the design presents no conflict with the combined aims of Policies HER1 of the adopted Plan and 28 of the proposed Plan.

Assessing the position of the building, I note concerns relative to the rear annex to 3 Drumpellier Place with particular reference to access. I consider the proposed access arrangements to be acceptable.

I note that the yard has capacity to accommodate 3 vehicles off-road and retains this parking provision as proposed. Evidence suggests that this is the number of vehicles typically parked, meaning there will be no reduction in off street car parking or obstruction to emergency vehicles as a direct result. The Head of Service - Roads and Transportation advised that the dimensions of the parking spaces are acceptable. I also note that there are no adverse comments from the Head of Environmental and Public Protection on Environmental Health grounds.



The potential for siting over underground utilities is not a consideration in the assessment of a building of this nature. Finally, while I note the security concerns, I do not consider that this forms the basis for refusing planning permission.

Overall, I am content that it is acceptable to locate a building within the yard and that the design and position are appropriate. I am content that the proposal has no adverse impact upon local architecture and the urban form of the Kilmacolm Cross Conservation Area, thus maintaining it as a successful place in accordance with Policy 1 of the proposed Plan. I am further satisfied that the proposal is an intelligent and understanding management of the historic environment and thus according with the aim of Historic Environment Scotland's policy and guidance.

RECOMMENDATION

That the application be granted.

Stuart Jamieson
Head of Regeneration and Planning