

**Report To:** The Planning Board

**Date:** 6 January 2021

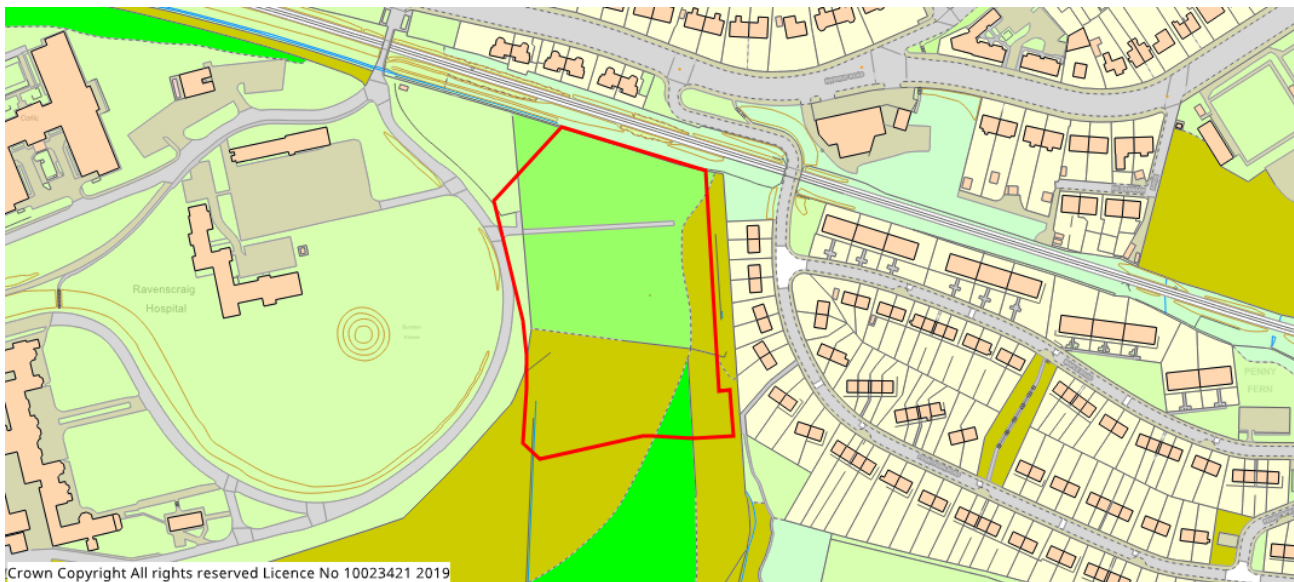
**Report By:** Head of Regeneration and Planning

**Report No:**  
20/0142/IC  
Plan 01/21  
Local Application  
Development

**Contact  
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**Subject:** Landscape Enhancement Works at  
Land Adjacent to Pennyfern Road, Inverkip Road, Greenock



## SUMMARY

- The proposal accords with the Inverclyde Local Development Plan
- Four representations were received, two of which are objections with the other two representations (including a 16 signature petition) making points and asking questions
- 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=QD1NW8IMHGJ00>

## SITE DESCRIPTION

The application site comprises a 1.8 hectare area of ground to the east of the development site forming part of the former Ravenscraig Hospital grounds at Inverkip Road, Greenock. The site is

roughly rectangular in shape and located close to the common boundary with the northernmost houses on the west side of Pennyfern Road. The boundary treatment to these houses is mixed, comprising mainly a brick wall of varying height in the range of approximately 1.8 metres to over 2.3 metres high and, over a more limited area, an approximately 1.6 metres high metal palisade fence. There is an intervening remote footpath between the site and the southernmost houses. The walls have been colonised by vegetation in places adding to their height. There is also a line of mature trees along the application site side of this boundary. The northern boundary is defined by a line of trees and a railing with the Glasgow-Weymss Bay Railway line beyond, and the western boundary mainly by an access road to the former hospital. The southern boundary is not defined on the site but is densely covered by trees and bushes of varying states of maturity.

The site is presently populated by trees, bushes, weeds and high growing wild grasses at various stages of maturity. Many of the trees and bushes are self-seeds and have experienced stunted growth due to the mainly waterlogged conditions of the central and northern parts of the site. Indeed most of the centre of the site has such a high water table that it is only wild grasses and weeds that are presently supported. It has been noted that Japanese Knotweed has become established in places throughout the site.

The easternmost part of the site has been subject to anti-social behaviour close to the rear gardens of the adjacent properties with evidence of rubbish related to drinking, but there is also fly-tipping throughout the site. The site did not form part of the overall development plan for the former hospital grounds to the west, granted planning permission in August 2019 (planning permission 18/0205/IC), nor does it form part of the tree preservation order associated with the former Ravenscraig Hospital site.

## **PROPOSAL**

Planning permission is sought for landscape enhancement works. These are to consist of the clearance of most of the existing vegetation to allow re-profiling of the land through the creation of two separate mounded landforms involving the re-use of material sourced from the adjacent residential development site. They are to be sculpted into irregularly shaped landforms which will rise from a low point in the eastern part of the site to two separate peaks to the west.

The northernmost landform is the larger of the two and is located to the west of nos. 6-16 Pennyfern Road. The land presently slopes down at a relatively gentle gradient in a northerly direction at this point. Ground levels within approximately 23 metres of the houses to the east will remain undisturbed to ensure retention of the existing mature trees close to this boundary. Thereafter the slope will be sculpted in a manner that will be built up sharply before slightly levelling off at a height varying from approximately 0.5 metre to 3 metres above the existing ground level at a distance of 42 metres from the houses to the east. The higher elevation will be at its northernmost point. This part of the slope, the land between the slope and the mature trees to be retained and the slope's northern return are to be planted with whips at 2 plants per square metre spacing in groups of 3 and 5. The species to be planted are a mix of Lime, Alder, Willow, Aspen, Birch, Rowan, Sycamore, Hazel, and Elder. Thereafter the northern platform is to be grass seeded and will rise more gradually westwards to reach a singular point peak height of approximately 5 metres above existing ground level. This point is approximately 95 metres from the nearest house to the east. The western slope of the landform is also to be planted with the tree and bush mix described above.

The southern landform, which is to the west of the houses at 18-22 Pennyfern Road, is smaller in area but more sharply profiled to its peak height. Ground within approximately 35 metres of the nearest house to the east, which is situated across the intervening Greenock Cut path, will remain undisturbed to again retain existing trees. Thereafter the southern mound will rise steeply to a singular point peak of approximately 5 metres above existing ground level. This point is approximately 93 metres to the west of the nearest house. The entire surface area of this feature is to be planted with the tree and bush species mix described above.

In addition to the formation of these landforms the application plans show the formation of a small informal path network, consisting of a mown grass surface. The main path will connect the road to the west with the Greenock Cut path to the east, running between the two landforms. A further two informal paths branch off this one, the first of them rising to the top of the northern landform, the second narrower one tracing a line along the top of the easternmost part of the platform adjacent to the planted slope. This path continues down towards the easternmost SUDS pond associated with the housing development to the west.

Between the northernmost landform and the boundary with the railway line a native wildflower meadow is to be created. Elsewhere on the site a native long grass seeding mix is to be used.

The application plans also show the formation of a stone filled cut-off trench around the northern landform and extending to the eastern boundary of the southern landform. This is to discharge back into an existing land drain pipe prior to discharging into the railway ditch. A drainage ditch is also shown from the western part of the southern landform connecting to the existing land drain pipe.

The applicant has provided supporting documentation in the form of a preliminary ecological appraisal. This was requested to allow consideration of any potential adverse ecological impacts of the proposed works. The report confirmed that the site had already been surveyed in connection with application 18/0205/IC. It concludes that the habitats presently within the site are of low ecological value. It considers that common amphibian, common birds, bats, badger and hedgehog could potentially be impacted by the proposed amenity improvement work, therefore ecological management recommendations are included in the study.

A supporting statement has also been provided setting out the purpose behind the proposal. It notes that the final levels are in keeping with the historical profiles of the surrounding area, notably Bunston Knowe and the steep sided platforms on which the original hospital building was developed. It is indicated that there will be community benefits in the form of:

- Enhancing informal footpaths and improving access for disabled and low mobility residents;
- Opening sightlines to prevent anti-social behaviour and other criminal activities;
- Providing drier and enhanced growing conditions to support the proposed vegetation;
- Connecting spaces to the Greenock Cut;
- Creating a designated usable space for proposed and existing residential properties enhancing their enjoyment of the local area and ability to exercise outdoors.

The statement also provides technical and test details of the materials to be used in the formation of the landforms. Based on the investigative reports for materials associated with the adjacent residential development it is considered that the proposed made ground presents a low risk to the water environment. Chemical tests have shown that the material in general is suitable for use within the application site. Additional confirmatory testing is to be undertaken once they are in the stockpiles to be used. If necessary the landforms will be finished with an environmental capping layer comprising 450mm of clean soil which may originate from the adjacent site, subject to acceptable test results. It is also considered that the proposal represents a more sustainable, positive way of utilising surplus materials from the adjacent residential development which prevents them being disposed of to landfill and the negative environmental impacts and safety implications of transfer off-site and disposal.

It should also be noted that in response to a request from my Service the applicant engaged with the nearest residents in Pennyfern Road most likely to be affected by the proposal prior to submission of the application. The applicant advises that two representations were submitted to the applicant both of which are supportive of the proposals.

## **DEVELOPMENT PLAN POLICIES**

### **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 35 - Open Spaces and Outdoor Sports Facilities**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- a the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- b the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- c a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

## **CONSULTATIONS**

**Scottish Environment Protection Agency West** – No objection but advice is provided. The submission of a paragraph 19 exemption is required to allow full consideration as to whether exemption from waste management licence is justified. The re-use of the material is in line with the remediation strategy agreed with the Local Authority, including re-use of these materials below a capping layer. There is no objection to the suitability of material used in line with the remediation strategy.

**Head of Service – Roads and Transportation** – No objection, subject to drainage plans being implemented.

**Head of Environmental and Public Protection (Environmental Health)** – Comments have been provided as follows:

- Ground investigations and risk assessment has not extended into the area of land. However, this area of land has been largely undeveloped, absent of historical industrial processes and is therefore anticipated to be without any significant contamination. The additional information states that materials used in this area will be demonstrated to be suitable for use (i.e., will not cause harm to human health, the water environment or the wider environment). This is in line with best practice guidance and is a proposed conditioned requirement.
- In its current state this land is vacant space between two neighbourhoods with fly tipping and is prone to surface water flooding. The proposals are considered to provide a substantial improvement to the land's local community amenity value with landscaping,

planting and new access routes east/west and connection to the Greenock Cut (to the north).

- The revised design with reduced levels, less steep gradients and improved access, removes concerns about the original design topography impeding access for any future maintenance that might be required.
- The explanation for the deposition of material as a necessary element in the overall improvement to this area of land is better defined in this resubmission and the reuse of materials would be in line with sustainable development objectives and Scottish Government Circular Economy policy. The resubmission takes into consideration the SEPA Land Remediation and Waste Management Guidance, and the proposed protection measures are consistent with those agreed with the Planning Authority in the main redevelopment area remediation scheme. The submitted material management plan meets our requirements; note this includes a verification process, to be reported on completion of the development works.

The following conditions are suggested:

1. That prior to the start of these proposed works, 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.
2. That these proposed works shall not commence until a Material Management and Verification Plan has been submitted for approval, in writing by the Planning Authority. This shall include maintenance/aftercare information and details of all materials used as fill and landscaping material. Reused materials from within the site should adhere to the six criteria set out in the SEPA Land Remediation and Waste Management Guidance. The details of such materials shall include information of the material source, volume, chemical characteristics (including soil-leachate analysis) and purpose of intended use, with plans of placement and thickness.
3. That before the development hereby permitted is completed the applicant shall submit a Verification Report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme, Material Management and Verification Plan.

**Ecological Advisor** – The ecological study is considered to be accurate with the correct procedures followed, at an appropriate time and by a surveyor with the necessary knowledge. The habitats to be lost are agreed to be of low significance. There are some concerns over the extent to which disturbance to birds has been considered but this may be addressed by conditions. The Environmental Management Plan is good. It is recommended that works must take place outwith the bird nesting season (March to August inclusive), otherwise a suitably qualified ornithologist should be engaged. Bat boxes should be included in the Environmental Management Plan.

## **PUBLICITY**

The application was advertised due to no premises on neighbouring land.

## **SITE NOTICES**

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

## PUBLIC PARTICIPATION

Two objections were received from one individual. A further individual took a neutral position in two submissions, not objecting to the proposed enhancement of the ground but making points. One of the latter individual's representations also attached a petition list with 16 signatures from nearby residents expressing concerns and asking questions. Collectively the points of objection and other points are as follows:

- Given the issues with toxic land on the adjacent site it would be better if the ground was left undisturbed.
- The ground does not appear to have been investigated to check for toxicity. A geo-environmental study should be carried out to show the ground is safe.
- It is a lovely piece of green land in its present condition.
- No mention is made of deer, foxes, hedgehogs, squirrels, pine martins and woodpeckers that inhabit the ground.
- No benefits for tenants in the surrounding area.
- Concerns about drug taking and alcohol influenced parties.
- The money could be spent on something more beneficial in a more deserving area.

## ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (the LDP), the consultation responses, the representations, the planning history of the site, the condition of the adjacent land and the studies associated with it particularly in view of the proposed relocation of materials, the amenity impact in terms of visual impact and privacy concerns and the perceived benefits of the proposal.



Aerial view from the north. The site is to the left of the picture within the "L" shape former by Inverkip Road and Pennyfern Road

The application site is located within an area designated as open space within the LDP. Policy 35 of the LDP is of direct relevance. This indicates that proposals for new or enhanced open spaces which are appropriate in terms of location, design and accessibility, will be supported. The question is therefore whether or not the proposal amounts to enhanced open space? I shall first consider the present condition of the ground.

The site forms part of the grounds of the former Ravenscraig Hospital, located off Inverkip Road in Greenock. Planning permission 18/0205/IC was granted in August 2019 for residential development of the former grounds although the application site boundary did not extend

eastwards to include the current application site. The present condition of the site is as I have described above.

Although not forming part of the application site for the adjacent residential development, an ecological appraisal was carried out in support of the adjacent development and the study area included the current application site. This assessed the site to be a mix of plantation woodland, neutral grassland and swamp of low ecological value. Whilst this study considered the impacts on flora and fauna it was appropriate to request a new preliminary ecological assessment to update the original report given the passage of time since the original study was carried out. This was completed by the applicant and considered and accepted by the Council's ecological adviser. Conditions will be required to address bird breeding season and an element of biodiversity gain but the report was accepted in general terms.



Looking southwards through the centre of the site

I am therefore satisfied that the proposed works, in principle, will not have an adverse ecological impact and will, as the planting matures, bring ecological benefit. With regard to site enhancement I agree with the positive benefits identified by the applicant as set out above but to these I would add:

- Addressing the Japanese Knotweed infestation which could spread to affect neighbouring properties if left untreated;
- Diverting surface waters away from neighbouring properties (this was identified from discussions with residents in adjacent gardens as an existing problem);
- Litter removal;
- Enhancing biodiversity through the variety of tree and grass species proposed.

On this basis I conclude that the proposal constitutes the enhancement of the open space in accordance with Policy 35.

Also of relevance is Policy 1 of the LDP which requires that development have regard to the six qualities of successful places. The relevant factors in this instance being “distinctive”, in using native species in landscaping and create habitats for native wildlife; being “easy to move around”, in being well connected with good path links to the wider path network, public transport nodes and neighbouring developments; being “safe and pleasant”, in avoiding conflict between adjacent uses by having regard to adverse impacts that may be created, particularly in this instance with regard to flooding and invasion of privacy, avoiding creating spaces that are unsafe or likely to encourage or facilitate anti-social behaviour or crime, enable natural surveillance of spaces, and incorporate green infrastructure and provide links to the green network.

The proposal involves the planting of native species which will create a new habitat for wildlife and provide new links to the green network. The proposed footpath links to the Greenock Cut will result in footpath links being established where there are presently none. Furthermore, the proposed footpath links and the general clearance work will open out the site and create passive surveillance which will help to address the present anti-social problem. The applicant is also to provide stone filled trenches to address the current water ingress problems from the site experienced by neighbouring residents on Pennyfern Road.



Trees and boundaries along the rear boundaries of properties at Pennyfern Road

Privacy impact is an issue that has been given careful consideration. From pre-application discussions through to the landscape design presently being considered, there have been three different iterations. I am satisfied that the current proposal addresses previous privacy concerns in restricting ground level alterations in close proximity to the neighbouring properties at Pennyfern Road by concentrating the highest elevations of the landforms to a significant distance from these properties. The nearest slopes to the existing residences will be heavily planted with trees and bushes which will support the screening function of the line of mature trees which presently border



these residences. The retention of these trees may be secured by condition in respect of tree protection measures.

The unplanted parts of the northernmost landform where people could in theory stand are set back 42 metres from the rear of the nearest houses, with intervening screening provided by not only the aforementioned line of mature trees but also the existing high boundary walls with their colonised vegetation. The southern landform is to be fully planted and will have steep slopes which will deter public use. I am therefore satisfied that the proposal will not have any unacceptable privacy implications for the existing adjacent residences. It therefore follows that I consider the proposal will result in a successful place in accordance with Policy 1.

Consequently the proposal is considered to accord with the LDP. It remains to be considered, however, if there are any other material considerations which suggest that planning permission should not be granted. In this regard I turn first of all to the consultation replies not so far addressed.

SEPA was consulted on the proposal in respect of the impact of land raising on drainage and the implications for the re-use of materials from the adjacent site. Both SEPA and the Council's Head of Service – Roads and Transportation, in her role as Flooding Officer, have expressed no objection in respect of site drainage, subject to appropriate conditions. With regard to the re-use of materials the applicant will require to liaise further with SEPA in respect of potential licencing issues but, as far as SEPA's role relates to planning considerations, I note that they have no objections in this regard.

SEPA make reference to the agreed remediation strategy for the adjacent development site, which is of relevance to this application as it is to be the source of much, if not all, of the material in the formation of the landforms. The remediation strategy was agreed with the Head of Environmental and Public Protection (Environmental Health). This was to address concerns over the nature and levels of contaminants found in parts of the adjacent site and the best method(s) of addressing these. It was concluded that natural soils were suitable for re-use and that made ground could be re-used but must be placed beneath hardstanding or an engineered capping layer. The minimum thickness of the capping layer is to be 450mm for communal soft landscaping areas. Materials to be re-used and which have not been tested to date are to be tested prior to use. It is most sustainable to deal with the material at source or thereafter elsewhere within the site, with removal to landfill the least sustainable option.

The Head of Environmental and Public Protection (Environmental Health) has considered the condition of the site and the proposals. He concludes that the land has been largely undeveloped, is absent of historical industrial processes and is therefore anticipated to be without any significant contamination. It is noted that the applicant's supporting information indicates that materials to be used in the area will be demonstrated to be suitable for use (i.e., will not cause harm to human health, the water environment or the wider environment). This is considered to be in line with best practice guidance and is to be a conditional requirement. The treatment of Japanese Knotweed on the site will also need to be addressed by condition. It may therefore be concluded that, subject to the appropriate testing regime in accordance with the agreed remediation strategy for the adjacent development site, it is acceptable for materials from the adjacent site to be re-used in the creation of the proposed landforms.

Turning to the representations and objections which have been made, I consider that most of the points have been addressed in the above assessment. The application that has been submitted represents the applicant's decision to invest in the site. The diversion of resources to another project elsewhere is not a material planning consideration.

The proposed works will result in a significant change to the profile of the land within the site and it is accepted that in the short term, before the grass and wildflower seeding mix germinates and grows and the tree and bush planting develops into leaf and begins to mature, the appearance of the site will be rather stark. I consider, however, that the longer term benefits to be gained outweigh this short term impact. I also note that there is a land profile context within the vicinity in the form of the terraces on which the new housing is being developed, which rise up to 9 metres above adjacent roads, and the even closer proximity of Bunston Knowe mounded landform, which rises up to 10 metres high above the surrounding land. The proposed landforms will therefore be viewed in context.

I am therefore satisfied that there are no material considerations which suggest that planning permission should not be granted for the proposed development. I also consider that the proposed landscaping will be of benefit to both the future residents of the development to the west and existing residents to the east, addressing many of the problems they experience related to the ground. I do consider, however, that it is very important that the development be regulated, especially the use of materials imported from the adjacent site and permission should therefore be appropriately conditioned.

## **RECOMMENDATION**

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

1. That prior to the start of the proposed works, 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.
2. That these proposed works shall not commence until a Material Management and Verification Plan has been submitted for approval in writing by the Planning Authority. This shall include maintenance/aftercare information and details of all materials used as fill and landscaping material. Reused materials from within the site should adhere to the six criteria set out in the SEPA Land Remediation and Waste Management Guidance. The details of such materials shall include information of the material source, volume, chemical characteristics (including soil-leachate analysis) and purpose of intended use, with plans of placement and thickness.
3. That before the development hereby permitted is completed the applicant shall submit a Verification Report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme, Material Management and Verification Plan.
4. That the proposed works shall be carried out either outwith the bird nesting season (March to August inclusive) or alternatively not without the presence of a qualified ornithologist, the latter to be approved in writing by the Planning Authority prior to the commencement of works.
5. That prior to the commencement of development an Environmental Management Plan (EMP) shall be submitted to and approved in writing by the Planning Authority and shall contain, in full, the recommendations set out in section 4 of the Preliminary Ecological Appraisal, dated July 2020 and submitted with the application. In addition, provision shall be made for bat boxes within the EMP.
6. That existing trees along the eastern boundary of the development site are to be protected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012. The final position of protection measures and the specific trees to be retained shall be identified through a site meeting with the Planning Authority before the commencement of development.

7. That the planting and seeding identified on approved drawing RH-RF-XX-XX-DR-T-0038 Rev P11 shall be carried out on completion of the formation of the associated landforms.
8. That any of the planting approved under condition 7 which dies, becomes diseased, is removed or damaged within 5 years of planting shall be replaced during the following planting season with others of a similar size and species.
9. That prior to the commencement of development details of a management and maintenance regime for the planting approved under condition 7 above shall be submitted to and approved in writing by the Planning Authority.
10. That the drainage features shown on approved drawing 120756B/7001 Rev C shall be put in place, at the latest, on completion of the creation of the landforms. For the avoidance of doubt, if the stone filled trench closest to the eastern boundary is not to be put in place prior to the creation of the landforms, full details of an alternative drainage arrangement shall be provided prior to the commencement of development elsewhere within the site.
11. That the existing eastern boundary fencing shall be opened to provide access to the path to the Greenock Cut upon completion of the site development.
12. That existing litter within the site shall be wholly removed upon completion of the development.
13. That the northernmost path shall be continued to connect with the access road to the west.

#### Reasons

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address waste management and potential contamination issues in the interests of human health and environmental protection.
3. To ensure contamination is not imported to the site and confirm successful completion of protection systems in the interest of human health and environmental safety.
4. In the interests of wildlife protection.
5. In the interests of wildlife protection and to support biodiversity.
6. To ensure protection of the trees not to be removed.
7. To secure the proposed biodiversity gains.
8. To ensure protection of the biodiversity gains.
9. To ensure protection of the biodiversity gains.
10. To address existing and potential future flooding of the adjacent properties.
11. To secure the beneficial connection to the path to the Greenock Cut.
12. To ensure this environmental improvement is secured.
13. To ensure provision of a useable path.

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