

A meeting of the Planning Board will be held on Wednesday 3 March 2021 at 3pm.

This meeting is by remote online access only through the videoconferencing facilities which are available to Members and relevant Officers. The joining details will be sent to Members and Officers prior to the meeting.

In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.

Please note that this meeting will be recorded.

GERARD MALONE
Head of Legal & Property Services

BUSINESS

1.	Apologies, Substitutions and Declarations of Interest	Page
2.	Planning Applications Reports by Head of Regeneration & Planning on applications for planning permission as follows:	
(a)	Inverdunning (Gourock) Ltd Erection of six detached dwellinghouses/house plots (planning permission in principle): Land adjacent to 24 Rosemount Place, Gourock (20/0186/IC)	p
(b)	Ms L Beaton Proposed change of use of ground floor offices to performing arts academy: 7 Union Street, Greenock (20/0228/IC)	p
3.	Planning Appeal Report by Head of Regeneration & Planning intimating the outcome of a planning appeal at Flat 1, 113 Albert Road, Gourock (20/0010/IC)	p
<p>Please note that because of the current COVID-19 (Coronavirus) emergency, this meeting will not be open to members of the public.</p> <p>The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.</p>		

In terms of Section 50A(3A) of the Local Government (Scotland) Act 1973, as introduced by Schedule 6, Paragraph 13 of the Coronavirus (Scotland) Act 2020, it is necessary to exclude the public from the meetings of the Planning Board on public health grounds. The Council considers that, if members of the public were to be present, this would create a real or substantial risk to public health, specifically relating to infection or contamination by Coronavirus.

Enquiries to – **Diane Sweeney** – Tel 01475 712147

Report To: The Planning Board

Date: 3 March 2021

Report By: Head of Regeneration and Planning

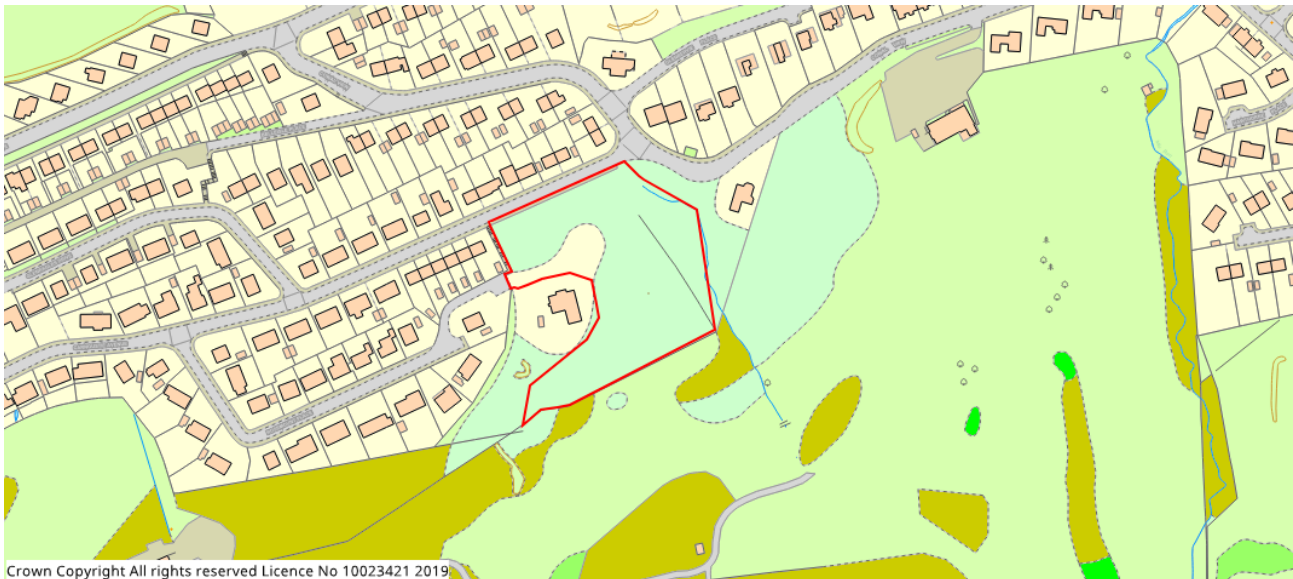
**Report No: 20/0186/IC
Plan 03/21**

**Local Application
Development**

**Contact
Officer: Sean Mc Daid**

Contact No: 01475 712412

**Subject: Erection of six detached dwellinghouses/house plots (planning permission in principle)
at
land adjacent to 24 Rosemount Place, Gourock**



SUMMARY

- The proposal accords with the Inverclyde Local Development Plan.
- 47 objecting, 37 supporting and 2 neutral representations have been received.
- The recommendation is to GRANT PLANNING PERMISSION IN PRINCIPLE subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QFCT0IIMHU600>

SITE DESCRIPTION

The site is irregular in shape and is to the east of the detached dwellinghouse at 24 Rosemount Place, Gourrock and west of the flats at Cowal Court and the dwellinghouse at 31a Cowal View. The site formed part of the grounds of the house at 24 Rosemount Place. It is bounded on its north side by Cowal View and Carnoustie Avenue, and Gourrock Golf Course is to the south.

The site is approximately 0.95 hectares in size and slopes upwards from north to south. At the north part of the site the ground levels are approximately 58m Above Ordnance Datum and at the highest point along the south boundary the ground levels are 89.5m Above Ordnance Datum. There is also a downward slope across the site in a general west to east direction.

Access to the dwellinghouse at 24 Rosemount Place is taken past 15 and 22 Rosemount Place with this road also being the access to detached garages that are located at the rear of houses at 11 to 21 Carnoustie Avenue (odd numbers). At the east end of this access road the private driveway leading into the dwellinghouse at 24 Rosemount Place begins and it rises up from it. At the east end of this access road there are also steps that lead down to Carnoustie Avenue. There is an unnamed watercourse that flows through part of the east side of the site before entering a culvert towards the north-east. There is a drainage ditch that runs through part of the site towards the watercourse.

Trees and vegetation have been cleared from parts of the site and a temporary access track off Cowal View has been formed. This was carried out during April 2020 and has been explained by the applicant as being done to facilitate the design process for this planning application.

There are a variety of house types and flats in the surrounding area.

PROPOSAL

Planning permission in principle is sought for six house plots. An illustrative indicative site plan has been submitted that shows the plots arranged in two rows that generally run east to west. Three of the plots are located towards the southern part of the site (identified as plots 1, 2 and 3) and are to be accessed from a road that is to run past the existing house at 24 Rosemount Place. The other three plots are to be located towards the northern part of the site. The westernmost of these plots (plot 6) is to be accessed from Rosemount Place. The other two plots (plots 4 and 5) are to be accessed from Carnoustie Avenue and the submitted plans indicate this is to be a shared access.

Drawings accompanying the application indicate a possible build zone for each dwellinghouse within each plot taking into consideration possible garden sizes, distances to boundaries and potential overlooking between the plots. Indicative cross sections have also been submitted and these indicate that parts of the site would have to be levelled and other parts raised to create the platform level to construct each of the houses. The indicative cross sections also indicate that houses could be split level.

As this is an application for the principle of the development these drawings are for illustration purposes only and the house types proposed for each plot is not required. The applicant has indicated the rationale for the proposed development is that each plot would be a self-build house.

DEVELOPMENT PLAN POLICIES

Clydeplan Strategic Development Plan (approved July 2017)

The Strategic Development Plan (SDP) indicates that housing plays a fundamental role in the overall economic, social and environmental success of the city region. Housebuilding makes an important contribution to the city region's economy and as well as creating new homes, it delivers wider societal benefits through the generation of employment, and by sustaining and enhancing

local community facilities such as schools, shops, recreation facilities and open spaces. The SDP is committed to supporting growth by creating high quality places which deliver the right type of homes in the right locations.

The Vision and Spatial Development Strategy of the SDP supports the provision of high quality and affordable housing in the right location which is central to the creation of a successful, sustainable and growing city region. This will be realised through the prioritisation of regeneration activities, the recycling of previously used land, and higher density development in support of the delivery of the Plan's compact city model. The strategy also includes a range of large scale planned greenfield sites including the Community Growth Areas, released through earlier plans and are either still under development or still to commence, as well as a range and choice of other greenfield and brownfield sites. The SDP seeks to fully support the housing and development industry to provide homes of the right tenure, quality and in locations which accord with the Vision and Spatial Development Strategy. A key element is to ensure the provision of a generous and effective supply of land for housing.

Policy 1 – Placemaking

New development should contribute towards the creation of high quality places across the city region. In support of the Vision and Spatial Development Strategy new development proposals should take account of the Placemaking Principle set out in Table 1.

Policy 8 - Housing Land Requirement

In order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:

- make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;
- allocate a range of sites which are effective or expected to become effective in the plan periods to meet the Housing Land Requirement, for each Housing Sub-Market Area and for each Local Authority, of the SDP up to year 10 from the expected year of adoption;
- provide for a minimum of 5 years effective land supply at all times for each Housing Sub-Market Area and for each Local Authority; and,
- undertake annual monitoring of completions and land supply through Housing Land Audits.

Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:

- the development will help to remedy the shortfall which has been identified;
- the development will contribute to sustainable development;
- the development will be in keeping with the character of the settlement and the local area;
- the development will not undermine Green Belt objectives; and,
- any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

Inverclyde Local Development Plan (adopted August 2019)

The following Local Development Plan (LDP) policies are relevant to the consideration of this application.

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 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic environment

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

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:

- a be at significant risk of flooding; (i.e. within the 1 in 200 year design envelope);
- b increase the level of flood risk elsewhere; and
- c 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 10 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

Policy 11 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 33 - Biodiversity and Geodiversity

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a there are no alternative solutions; and
- b there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant

adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 - Trees, Woodland and Forestry

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a it can be clearly demonstrated that the development cannot be achieved without removal;
- b the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

Planning Application Advice Notes (PAAN) 2 and 3 on “Single Plot Residential Development” and “Private and Public Open Space Provision in New Residential Development” apply.

PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES

Policy B – New Housing Development

New housing development will be supported on the sites identified in Schedule 1, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against Planning Application Advice Notes Supplementary Guidance.

There will be a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing.

Policy D - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

CONSULTATIONS

Head of Service- Roads and Transportation - No objections in principle and has advised on the following:

- Parking should be provided in accordance with the National Guidelines and visitor parking should be 0.25 spaces per dwelling.
- The minimum dimensions of the driveways should be 3m wide by 5.5m long per bay.
- For a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.
- Any visitor parking spaces shall be a minimum of 2.5m by 5.0m. The visitor parking should be located central to the site rather than at one end of the site to allow all 4 households to use it.
- Driveways to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.
- The driveway gradients should not exceed 10%. The applicant should demonstrate that this can be achieved.
- All roads within the site shall be a minimum of 5.5m wide.
- All footways within the site shall be a minimum of 2.0m wide.
- The applicant shall provide evidence to the Roads Service that all roads have a gradient of 8% or less.
- A visibility splay of 2.4m x 43.0m x 1.05m should be clear from the other development access on to Carnoustie Avenue and Cowal View.
- The applicant should connect the footway within their site to the footpath leading to the steps from Rosemount Place to Carnoustie Avenue.
- The accesses will not be adopted and will remain the responsibility of the developer or property owners.
- A Road Construction Consent and Road Bond will be required for all new roads and footways.
- Traffic calming features should be introduced to reduce speeds to less than 20mph.
- The surface water flow from the site should be limited to that of green field flow off. The applicant should demonstrate through calculations that this is achievable.
- A Flood Risk Assessment should be submitted for approval along with a check certificate.
- The proposed development will have an impact on the existing 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.
- The applicant states that all construction access will be taken from Carnoustie Avenue. Can it be conditioned that the two dwellings at this access will be last to be developed so that it doesn't block the access for the other 4 dwellings behind it?

- The site drainage should also include a signed certificate.
- Confirmation of Scottish Water approval to the drainage should be submitted.

Head of Education - While this proposed development is within the catchment of a secondary school with current capacity concerns, it is anticipated that the small number of dwellings proposed would have negligible impact on projected school rolls.

PUBLICITY

This type of application does not require advertisement.

SITE NOTICES

This type of application does not require a site notice.

PUBLIC PARTICIPATION

There have been 47 objections received to this application that can be summarised as follows:

Policy and Housing land

- No need for additional housing

Roads and traffic

- Access to site from Rosemount Place and should use Cowal View or Cowal Court instead
- Traffic impact/increase in traffic/roads and pedestrian safety
- Narrow access at Rosemount Place with no footpath
- Rosemount Place too narrow for construction vehicles
- Pedestrian safety along route to existing steps
- Problems with bin lorries accessing site

Service and infrastructure impact

- Flooding
- Issues with supply of gas and water to properties

Environment, ecology and recreation

- Impact on wildlife and habitat
- Loss of recreational area

Residential amenity

- Long time to develop plots
- Impact on privacy
- Increased noise and noise during construction

Other issues

- Profiteering
- Impact on property values
- Proximity to golf course
- Possible subsidence

- Security of existing houses will be compromised during construction

A further 37 representations in support of the application have been received and these can be summarised as follows:

- Land being put to good use/site neglected/appropriate development
- Addresses de-population and homes for families
- High quality development/in keeping with the area/not too many houses
- Construction will support local companies/create investment in area and local economy
- Innovative layout
- Potentially assist in additional attractions and development
- Support the use of the golf club
- Support schools
- Fairly private from existing houses
- No extra traffic on and off Carnoustie Avenue

In addition 2 representations that neither support nor object to the application have been received which raise the following points:

- Proximity to 10th hole of golf course
- Impact on roads/Rosemount Place narrow/no pavement
- Suggests access should be taken from Cowal View

ASSESSMENT

This application is a Local Development as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. National Planning Policy requires to be considered including Scottish Planning Policy (SPP). The Development Plan consists of the Clydeplan Strategic Development Plan (SDP) and the Inverclyde Local Development Plan (LDP).

In assessing this proposal, it is first appropriate to set out the national, strategic and local policy context.

The Policy Context

National Policy

The National Planning Framework (NPF) 3 and Scottish Planning Policy (SPP) are the two key national planning documents that set the framework for development across Scotland. NPF3 notes the Scottish Government's desire for a significant increase in house building to ensure housing requirements are met. Additionally it is stated that there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting economic growth.

SPP introduces a presumption in favour of sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost. Planning policies and decisions should support sustainable development. It also reinforces the aims of NPF3 to facilitate new housing development. It notes that the planning system should identify a generous supply of land for each housing market area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times. The planning system should also enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development,

the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29 of SPP.

Having considered the principles set out in paragraph 29 of SPP, this proposal is a sustainable development primarily involving the efficient use of existing capacities of land and supporting delivery of accessible housing at an existing urban location instead of being development in a green belt location.

Both Strategic and Local Development Plan policies are required to follow national policy.

Strategic Policy

The Clydeplan Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy and sets targets for the provision of new housing within the component parts of the Plan area. This provides that most development is to be focussed on existing settlements, with much of the intervening land being designated as Green Belt. The SDP is clear in supporting housing growth that creates high quality places which delivers not only the right type of homes but in the right locations.

It should be noted that the proposed development is not considered to be of a strategic scale as the site area does not exceed 2 hectares. It is however considered in general terms to strongly support the Vision and Spatial Development Strategy of the SDP of a compact city region as the site is located in the existing urban area. As a consequence the proposed development is subject to Local Development Plan assessment.

Local Policy

The material considerations in the assessment of this application are therefore the relevant policies of the Inverclyde Local Development Plan (LDP); the Planning Policy Statement on Our Homes and Communities (PPS); the possible visual impact of the proposed works; the impact on neighbouring amenity; and the consultation responses.

The Spatial Development Strategy of the LDP directs residential development to existing built-up areas in the first instance. The site is located within the existing urban area as well as being considered to be in a sustainable location and therefore accords in principle with this strategy.

Policy 1 of the LDP requires all development to have regard to the six qualities of successful places. The relevant factors in this instance are being “Distinctive” in reflecting local architecture and urban form; “Easy to Move Around” by being well connected, with good path links to the wider path network, public transport nodes and neighbouring developments; “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by flooding, invasion of privacy or overshadowing as well as minimising parking in the street scene; and “Welcoming” by integrating new development into existing communities.

The site is located in the existing urban area and in the surrounding area there are a variety of house types as well as flats that have been constructed to the east. Sloping sites are a feature of the surrounding area. The proposed development would therefore not be incompatible with the surrounding area in terms of the pattern of development proposed and urban form. The proposed development would also be connected to the surrounding urban area by a variety of modes, including walking, with a local bus route nearby. The final design and appearance of the proposed houses would have to be applied for in future detailed applications in terms of how they relate to each plot, neighbouring plots and to the surrounding area. It is however considered that the proposed plot layout and where the houses are indicated to be positioned/the possible build zone within each plot are both acceptable at this stage. The positions of the houses within the possible build zone in each plot would not be considered to result in a loss of privacy to the existing houses in the surrounding

area. The proposed development would therefore, at this stage, be considered to be “Distinctive”, “Easy to Move Around”, “Welcoming” and “Safe and Pleasant”.

Planning Application Advice Note (PAAN) 2 on “Single Plot Residential Development” indicates that such development is often beneficial, providing additional houses in sustainable locations and removing derelict and untidy sites from the street scene. The advice indicates that: the plot size should reflect those in the locality; the proportion of the built ground to garden ground should reflect that in the locality; the distance of the building to garden boundaries should reflect that in the locality; the established street front building line should be followed; and the proposed building height, roof design, use of materials and colours should reflect those in the locality. Advice is also given on window positions and the level of car parking should accord with the National Roads Development Guide.



Cowal View frontage of the site, looking south-westwards

As this is an application for planning permission in principle the advice in PAAN2 will be assessed in greater detail when the subsequent detailed applications are submitted for consideration for each individual plot. There are however a variety of house designs and sizes of plots in the locality, with houses being constructed on sloping sites. The indicative site layout is considered to show house to plot ratios being in proportion without resulting in overdevelopment and therefore accords in general terms with PAAN2. It is considered the pattern of development proposed and urban form is acceptable under the terms of PAAN2.

Planning Application Advice Note (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development” indicates that open space contributes to place making as well as to be used for outdoor leisure. For small scale development of less than 10 houses PAAN3 advises that private garden ground should accord with the established density and pattern in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. PAAN3 also advises that public open space is not required for a small scale development of this type.

In the locality there are a variety of garden sizes associated with existing houses. Existing houses have front and rear gardens and what is shown on the illustrative site layout shows front and rear gardens and therefore in general terms accords with the advice in PAAN3. The specific details of how much garden ground is associated with each plot would be assessed in greater detail when the detailed applications are submitted for consideration. It is also considered that what is shown on the illustrative site layout does not result in overdevelopment of the overall site or each plot. However if planning permission is granted it is considered necessary to attach a condition requiring each house to be constructed within the build zone for each plot as shown on drawing AL(0)005 Rev A. As the site is on a slope, useable rear gardens will be expected for each plot without steep gradients. This can be achieved through having level areas with retaining walls, terracing the gardens or having appropriate gradients. This will be assessed in greater detail in any subsequent planning application for the details of each plot, however it is considered necessary to specify a maximum gradient for rear gardens through a planning condition.

In terms of Policy 6 with regard to reducing carbon dioxide emissions, it is expected that the houses to eventually be constructed will meet the targets set out in this policy. This will however have to be assessed in greater detail when the specifics of the actual houses are applied for. This matter can be addressed at this time by a planning condition should this application be granted.

In terms of Policy 8 a Flood Risk Assessment has been submitted to consider all aspects of flooding. This Assessment concludes the probability of flooding impacts is low. In addition, pre-development overland flow routes are unchanged post development, with the only changes local to the proposed plots. The Assessment recommends the existing culvert grate should be replaced with a new grating system that can withstand blockage on one side and still enable free flowing of water through other sides; future maintenance of landscaping to avoid blockages to the culvert; and land drains should be installed at the back of all proposed plots and coordinated within the drainage strategy to mitigate the risk from overland runoff or springs if found during construction.

The Head of Service – Roads and Transportation has been consulted on the Flood Risk Assessment and has indicated that this is acceptable.

In terms of Policy 9 the development is expected to have a Sustainable Urban Drainage System (SUDS) in order to manage the surface water run-off from the site. The provision of SUDS for residential development is a legal requirement and is particularly important for a sloping site such as this and where hard surfaces are to be introduced in the form of access roads, driveways and roofs. The SUDS manages the rate of run-off from the site at a controlled rate and the Head of Service – Roads and Transportation has indicated that this should not exceed the current green field (i.e., pre-development) run-off rate. The applicant has indicated the drainage strategy for the site is for surface water run-off to be directed from the 3 plots at the south part of the site via pipes to an attenuation area before discharging to the watercourse at the east of the site at a controlled rate. The surface water run-off from the 3 plots at the northern part of the site is to be directed via pipes to the existing pipes along Carnoustie Avenue at a controlled rate.

The intended drainage strategy accords in principle with Policy 9. If planning permission in principle is granted the specific details of the proposed SUDS will require to be applied for with any detailed application(s) and this can be addressed by a planning condition.

As the site is located in the existing urban area the development will be able to access and be accessible by sustainable modes of transport. The site is adjacent to an existing footpath leading to Carnoustie Avenue and this provides an alternative pedestrian access route for four of the houses rather than walking along Rosemount Place. The proposed development would therefore be considered to accord with the general terms of Policy 10. This policy also requires electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance. In this instance one trickle charging point per dwelling would be required. Should planning permission be granted the requirement to provide the charging points can be addressed by a planning condition.

In terms of Policy 11 the Head of Service – Roads and Transportation has not raised any concerns regarding the impact of the proposed development on the surrounding roads network in terms of the amount of traffic or the capacity of the roads to accommodate additional traffic. In addition no concern has been raised regarding accessing the site from Rosemount Place and the width of the existing access road to the site from Rosemount Place, which at 4.6m wide is acceptable. The Head of Service – Roads and Transportation has also indicated that visibility splays of 2.4m x 43.0m x 1.05m onto Carnoustie Avenue are required to be provided and this can be addressed by a condition if this application is granted.



View within site looking north-eastwards towards Cowal View

Policy 11 also requires the appropriate amount of parking to be provided. The Head of Service – Roads and Transportation has advised of the amount of parking required based on National Parking Standards. The number of spaces for each plot will depend on the number of bedrooms in each house. This matter can be addressed by a condition should planning permission be granted.

Policy 33 relates to biodiversity and geodiversity however it should be noted that the site has no natural heritage or landscape designations. For non-designated sites Policy 33 indicates that the siting and design of development should take account of local landscape character and minimise adverse impacts on wildlife as well as being designed to conserve and enhance biodiversity.

An Extended Phase 1 Habitat Survey accompanied the application based on a site survey carried out in July 2020. The survey found the plants and possible habitats are typical of a suburban location and no evidence of protected species was found on site. The recommendations of the survey are that any site preparation works such as vegetation removal or soil stripping is done between mid-August and February inclusive to avoid the bird breeding season and the roots of trees bounding the site are protected. Recommendations are also given for best practice measures to be implemented by contractors on site.

It is considered that any further site clearance works are carried out to avoid the bird breeding season unless otherwise agreed in advance in writing. Any request to carry out site clearance works during

the bird breeding season will have to be accompanied with a pre-construction bird breeding survey. There will also be a requirement to erect protective fencing around any trees that are to be retained on site or overhang the site boundary. Both of these matters can be addressed by planning conditions.

Policy 34 presumes against the removal of trees that have amenity, historical, or landscape value. The trees at this location are not covered by a Tree Preservation Order although some have amenity value. However it should be noted the function of the trees is as part of an extended garden area of 24 Rosemount Place as well as being boundary planting to the golf course and neighbouring land. Should planning permission be granted there is the opportunity to carry out additional planting/landscaping. The details of any proposed planting/landscaping will have to be applied for in any subsequent detailed application and this matter can be addressed by a planning condition.

It is therefore considered that the proposal accords with the LDP.

Following the quashing of the housing chapter and associated policies of the LDP the Council has moved quickly to address the housing issue through approval of the PPS. Policy B of the PPS supports new housing development identified in the schedule to this policy and on other appropriate sites within residential areas and town and local centres. Although not identified by the schedule my conclusion from the above analysis is that this is an appropriate site within an existing residential area. Furthermore, the associated proposals map includes the site within a residential area and Policy D of the PPS and notes that proposals for new development within residential areas will be assessed with regard to their impact on amenity, character and appearance of the area. Although only an application in principle at this stage, I am satisfied that through the use of conditions guiding the details in subsequent applications a suitable form of development can be achieved to ensure compliance with this policy.

With regard to the objections that have been received and have not been considered above the following comments are made.

With regard to the various grounds of objection that have been made in terms of traffic impact and roads safety, the Head of Service - Roads and Transportation has not raised any concerns. In addition no concerns have been raised regarding the functioning of the site when the development is complete in terms of how vehicles will be able to enter and exit the site.

In terms of the construction route the applicant states that construction access will be taken from Carnoustie Avenue. The Head of Service - Roads and Transportation has queried whether it can be conditioned that the two dwellings at this access will be last to be developed so access for the other four dwellings behind is not blocked. The applicant has indicated that this can be accommodated. Should this application be approved this can be addressed by a planning condition.

It has been suggested that access to the site should be from Cowal View or Cowal Court instead. An application for planning permission in principle has to be accompanied with plans indicating the proposed access into the site and the access into the site/plots is shown on the submitted illustrative drawings. This has to be what is considered in the assessment of this application and the Head of Service – Roads and Transportation has not raised any issues regarding the proposed accesses and has not requested the applicant to consider an alternative access.

The site is not identified in the adopted LDP as Open Space under Policy 35. The site is part of the extended garden ground of the existing house at 24 Rosemount Place and is therefore not considered to be a recreational area and does not result in the loss of such an area.

It is acknowledged that as the intention for the development is self-build plots there could be six separate developers applying for the details of the specific house at each plot. However the details of each house (i.e., the approval of matters specified in conditions) have to be applied for within three years of the granting of planning permission in principle, otherwise the permission lapses. The

Planning Act allows for the three year period to be changed to a longer or shorter time period through a direction. It is not considered necessary in this instance to direct that applications for the approval of matters specified in conditions be applied for in a shorter time period given the characteristics of the development and that it does not involve a large site or a large number of residential units. There is nothing to suggest that once the details of each plot have been approved that the construction phase will thereafter take a significant period of time.

It is the responsibility of a developer to apply for any connections to water, electricity and gas supplies as well as connecting to sewerage infrastructure. The approval for these connections lies solely with the infrastructure providers and is separate from the planning application process.



View within site looking south-westwards towards 24 Rosemount Place

It is not considered that the proposed development in itself will be inherently noisy as it is a residential development in an urban location. Should there be any noise/disturbance during construction this can be investigated separately by the Head of Environmental and Public Protection (Environmental Health) under his remit in order to determine whether there is a statutory noise nuisance.

The comments made regarding profiteering, the potential impact on property values and security of existing houses being compromised during construction are not material planning considerations. It is acknowledged that the site is adjacent to the golf course however the proposed development does not impact directly on the functioning of the golf course. There is a planted/landscape buffer between the site and the fairway of the nearest hole to the site. It is the responsibility of the developer/applicants for the details of the houses to carry out any necessary site investigation to ensure the development is capable of being constructed. Any structural aspects associated with the development will be considered in any separate building warrant applications. Should there be any damage caused to neighbouring properties during construction this is a private matter to be resolved between the parties involved.

I also note the comments made by those in support of the application and those taking a neutral position but I consider that no further comments require to be made on these representations.

Overall conclusion

The proposed development is in a sustainable location and strongly accords with national and local policies that direct development to existing urban areas in the first instance before Green Belt sites. The principle of the proposed development is considered to be compatible with the surrounding area in terms of layout, density, size of plots, distance from and relationship to neighbouring properties. The impact of the development on the surrounding area in terms of other matters such as traffic generation, infrastructure and potential flooding is also considered to be acceptable.

The details of the specific houses and layout of each house in each plot will have to be applied for as well as other matters such as the surface water drainage proposals and the conditions recommended below are to address these matters.

RECOMMENDATION

That planning permission in principle be granted, subject to the following conditions:

1. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed site layout. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas. For the avoidance of doubt the position of the houses in each plot shall be within the "potential extent of plot build zone" coloured pink on drawing AL(0)005 Rev A.

Thereafter the matters that are approved shall be implemented in their approved form.

2. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed floor plans and elevations of all buildings and shall show dimensions as well as the type and colour of all external materials.

Thereafter the matters that are approved shall be implemented in their approved form.

3. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the type and colour of all hard surfacing materials.

Thereafter the matters that are approved shall be implemented in their approved form.

4. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the phasing of the development. The phasing details shall allow for Plots 4 and 5 as identified on drawing AL(0)005 Rev A to be the last houses constructed.

Thereafter the matters that are approved shall be implemented in their approved form and construction vehicles and delivery of construction materials into the site for all phases of the development shall be taken from Carnoustie Avenue only.

5. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The application shall include existing ground levels taken

from the same fixed datum point. The submitted information shall allow for the rear garden slopes of each plot to not exceed a maximum of 20 degrees.

Thereafter the matters that are approved shall be implemented in their approved form.

6. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed landscaping at the site.

Thereafter the matters that are approved shall be implemented in their approved form.

7. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the details of surface water management and Sustainable Urban Drainage Systems proposals. Land drains shall be incorporated into the proposals for each plot (as identified in the recommendation of the Flood Risk Assessment by Cundall – 18 December 2020). For the avoidance of doubt the discharge rate shall be at pre-development greenfield run-off rates.

Thereafter the matters that are approved shall be implemented in their approved form.

8. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to all walls (including any retaining walls) and fences to be erected on site.

Thereafter the matters that are approved shall be implemented in their approved form.

9. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the visibility splays to be provided in both directions at the junction of the new access with Carnoustie Avenue. For the avoidance of doubt the visibility splays shall be a minimum of 2.4m x 43.0m x 1.05m.

Thereafter the matters that are approved shall be implemented in their approved form.

10. For the avoidance of doubt the applications submitted in relation to conditions 1 and 2 above shall allow for the following:

- i) Parking should be provided in accordance with the National Guidelines:

1 parking space for a 1 bedroom house;
2 parking spaces for a 2 or 3 bedroom house;
3 parking spaces for a 4 bedroom house.

Note - for a garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m.

- ii) Visitor parking shall be 0.25 spaces per dwelling.
- iii) The minimum dimensions of driveways shall be 3m wide by 5.5m long per bay and the driveway gradients shall not exceed 10%.
- iv) Any visitor parking spaces shall be a minimum of 2.5m by 5.0m and shall be located central to the site.
- v) All roads within the site shall be a minimum of 5.5m wide.

- vi) All footways within the site shall be a minimum of 2.0m wide.
- vii) All roads shall have a gradient of 8% or less.

11. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to how the existing footpath from Carnoustie Avenue to Rosemount Place is to be connected to the development site. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of any dwellinghouse on the site.
12. For the avoidance of doubt the dwellinghouses shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022). Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in each dwellinghouse. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of any dwellinghouse on the site.
13. Development shall not commence until an application for approval of the following matters has been submitted to and approved in writing by the Planning Authority relating to the proposed landscaping/planting at the site. Details of the scheme shall include:
 - i) Details of any earth mounding, hard landscaping, grass seeding and turfing;
 - ii) A scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted as well as identifying trees that are to be retained or removed;
 - iii) Details of the phasing of these works;
 - iv) Proposed levels for the landscaping.

Thereafter the matters that are approved shall be implemented in their approved form.

14. Following approval of the matters referred to in Condition 13 above, development shall not commence until the trees to be retained have been protected by suitable fencing. Fencing shall be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the Planning Authority.
15. For the avoidance of doubt any site clearance work shall be undertaken outwith the bird breeding season March to August inclusive unless otherwise agreed in advance in writing by the Planning Authority. Any request to carry out site clearance works during the bird breeding season shall be accompanied with a pre-construction bird breeding survey.
16. For the avoidance of doubt each dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of each dwellinghouse.
17. The existing bridge/crossing structure at the north-east part of the site over the watercourse (identified in appendix E photograph 3 of the Flood Risk Assessment by Cundall – 18 December 2020) shall be completely removed prior to the occupation of the first dwellinghouse.

18. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to how bank erosion is to be prevented along the watercourse running through the site. The details shall include any proposed changes in ground levels shown in relation to a fixed datum point as well as any proposed structures.

Thereafter the matters that are approved shall be implemented in their approved form.

19. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the proposal for the new grille at the outfall (as identified in the recommendation of the Flood Risk Assessment by Cundall – 18 December 2020) before the watercourse goes under the road. The application shall be accompanied with the maintenance regime and cleaning of the grille.

Thereafter the matters that are approved shall be implemented in their approved form prior to the occupation of the first dwellinghouse.

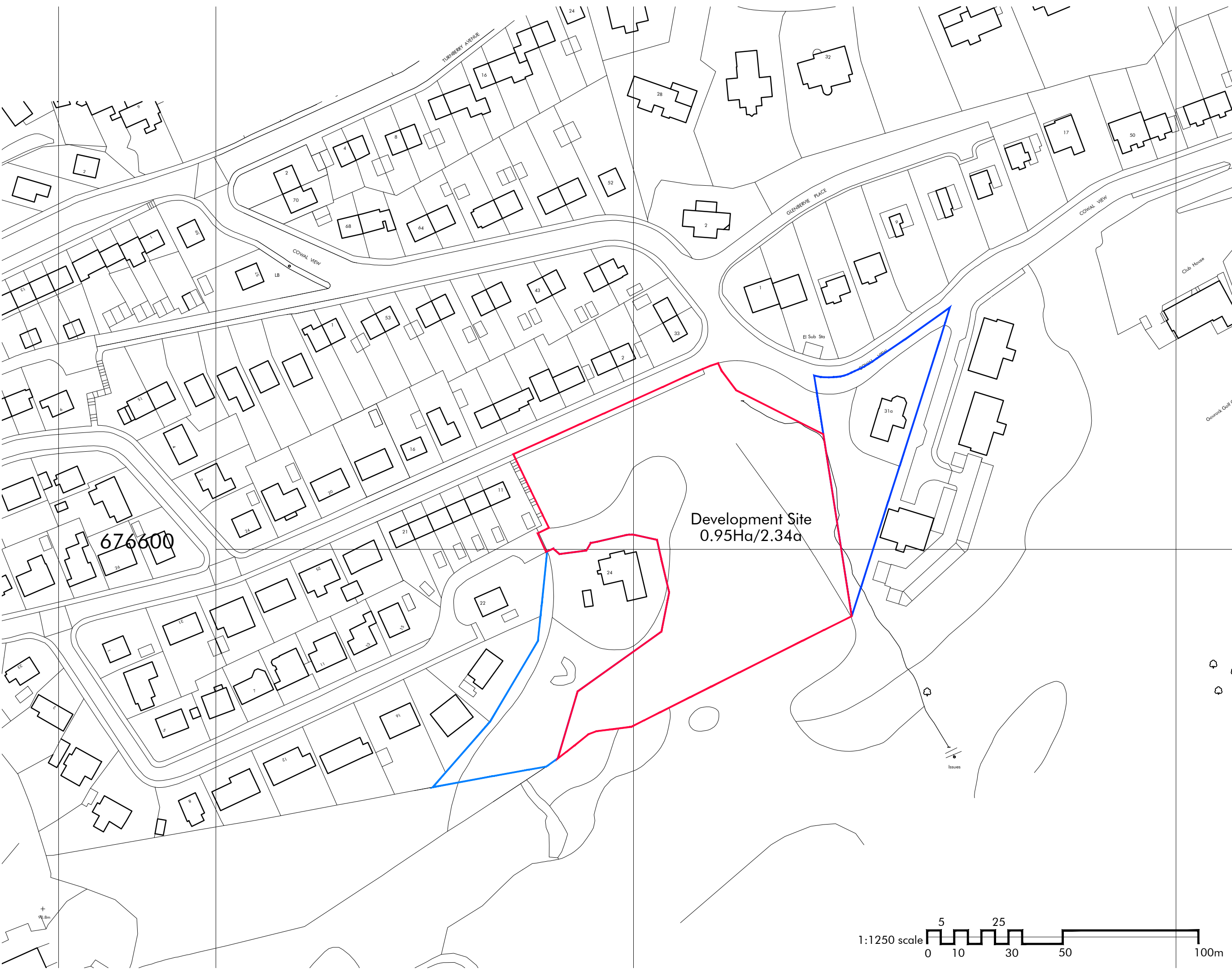
Reasons:

1. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
2. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
3. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
4. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
5. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and rear gardens are useable.
6. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
7. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
8. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
9. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
10. To ensure that the required level of parking is provided in the site and the roads and footways are acceptable.
11. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and in the interests of pedestrian safety.
12. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

13. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location.
14. To ensure the trees are protected during construction operations.
15. To ensure the protection of breeding birds within the application site and accord with the recommendations of the Extended Phase 1 Habitat Survey July 2020 prepared by Acorna Ecology Ltd.
16. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
17. In order to prevent flooding.
18. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and to prevent flooding.
19. To ensure the Planning Authority has the necessary information to determine the application and to ensure the matters are acceptable at this location and to prevent flooding.

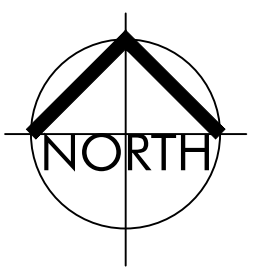
Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean McDaid on 01475 712412.



Important
The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from this drawing.

revision _____ date _____



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PLANNING



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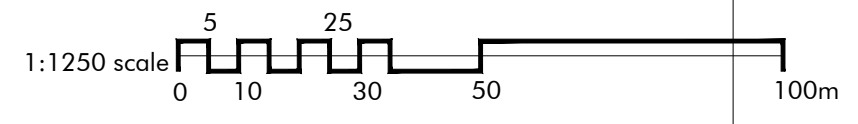
client
INVERDUNNING (GOUROCK) LTD

project title
DEVELOPMENT SITE AT ROSEMOUNT PLACE, GOUROCK

drawing title
LOCATION PLAN

scale
1:1250@A3
date
AUG 2020

job no
20-03
drawing no
AL(0)001
revision



676600

Development Site
0.95Ha/2.34a

Issues

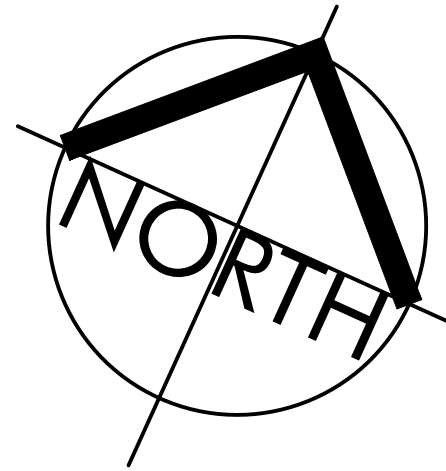
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33

Important:
The contractor will be held to have examined the site and checked all dimensions and levels before commencing construction work. No assumption should be made without reference to the architect. No dimensions should be scaled from this drawing.

revision: A. PLOT BUILD ZONES OVERLAY. date: 16.09.20.



LEGEND

- PLANNING BOUNDARY
- PLOT BOUNDARY
- POTENTIAL EXTENT OF PLOT BUILD ZONE

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PLANNING

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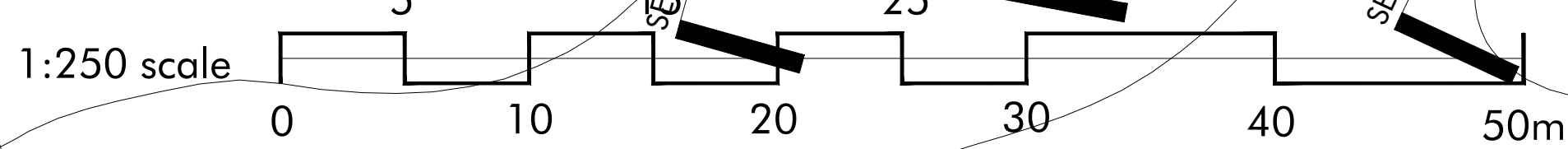
client:
INVERDUNNING (GOUROCK) LTD

project title:
DEVELOPMENT SITE AT ROSEMOUNT PLACE, GOUROCK

drawing title:
INDICATIVE BLOCK PLAN

scale: 1:250@A1
 drawn by: JK
 date: SEPT 2020
 checked by: TW

job no	drawing no	revision
20-03	AL(0)005	A



Report To: The Planning Board

Date: 3 March 2021

Report By: Head of Regeneration and Planning

**Report No: 20/0228/IC
Plan 03/21**

**Local Application
Development**

**Contact
Officer: James McColl**

Contact No: 01475 712462

**Subject: Proposed change of use of ground floor offices to performing arts academy at
7 Union Street, Greenock**



SUMMARY

- The proposal accords with the Inverclyde Local Development Plan.
- Eight objections were received.
- The recommendation is to GRANT PLANNING PERMISSION subject to a condition.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QHRUBWIMIAA00>

SITE DESCRIPTION

The application site comprises a ground floor office premises situated within a two storey building on the southern side of Union Street, Greenock. The building is set back from the heel of the footpath by approximately 3.5 metres with a small forecourt area to the front which is surfaced in paving slabs and enclosed by a small railing. Externally, the building features a mixed palate of materials and is designed with a pitched roof. A single storey section with a flat roof is situated to the rear.

The wider area is mixed in nature with a variety of buildings and uses situated on Union Street, Watt Street and Jamaica Street. These include residential properties, the Watt Institution, office premises, churches and a small area of open space incorporating a play area. The site is situated within the outer area of the Greenock Town Centre as defined by the Inverclyde Local Development Plan and it also lies within the Greenock West End Conservation Area

PROPOSAL

It is proposed to change the use of the premises to a performing arts academy. No external alterations are proposed. Internally, a number of walls will be removed to create an open “main space”.

The applicant advises that the proposed use is intended to operate Monday to Friday 9am to 9pm with the potential for “pop up” classes on Saturdays and Sundays. A variety of activities are proposed including music lessons, drama and musical theatre classes, dance classes, choir rehearsals, an evening drama and music academy and morning parent and baby classes. The number of patrons will vary by class and activity, ranging from one to one tuition to classes of approximately 20 to 30. It is indicated there will be six staff members involved with the use. Whilst they will normally work at different times, occasionally they may all be at the premises at the same time.

Given the varied nature of the use and activities, it is not considered that the use can be taken as falling into a specific use class and as such it is considered to be a *sui generis* use.

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 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:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) 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 24 - Network of Centres Sui Generis Uses

Proposals for the Sui Generis uses listed in Schedule 7 will be assessed with regard to:

- a) whether there would be an unacceptable impact on the amenity and operation of existing and surrounding uses;
- b) whether the proposal will result in a concentration of a particular use or uses that would be to the detriment of the centre's vibrancy, vitality or viability, and the wellbeing of the community;
- c) the contribution the proposal would make to the vibrancy, vitality and viability of the centre by way of increasing footfall or making use of a vacant unit; and
- d) the availability and suitability of other locations within the centre.

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 – No objections. The following points are highlighted:

1. The parking requirements detailed in the National Roads Development Guide for the existing use as Class 4 Office is 1 space per 30sqm. The GFA of the existing unit is 341sqm which therefore requires 12 parking spaces.
2. The parking requirements detailed in the National Roads Development Guide for Class 10 Community centre is 1 space per 5.0 – 20.0sqm GFA. The GFA of the unit is approx. 168sqm therefore requires 9 parking spaces.
3. The site is located in the town centre next to public transport, with access to the train station and various bus services. This makes public transport a more attractive option therefore reducing the parking requirements.
4. The existing site has no parking and it is not proposed to introduce any parking. It is recognised that due to site location it is not possible to provide any additional parking as the site is within the town centre. There are controls on parking which are in place to discourage dangerous parking in this area and there are various public car parks nearby, particularly the new Jamaica Street car park which is 1 min walk from the application site. It is therefore acceptable in these circumstances that no parking is provided as part of this application.

Head of Environmental and Public Protection (Environmental Health) – No objections. Conditions regarding waste materials and external lighting are recommended together with a series of advisory notes.

PUBLICITY

The application was advertised in the Greenock Telegraph on 23rd October 2020 due to no premises on neighbouring land and as a Schedule 3 development.

SITE NOTICES

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

PUBLIC PARTICIPATION

Eight objections have been received in connection with the application. The concerns raised can be summarised as follows:

- The proposal will result in an increase in traffic to an already busy area.
- Parking is already problematic within the local area both during the day and into the evening, and no additional parking is proposed.
- Staff and patrons may park in the adjacent resident's private car park as this already occurs with non-residents.
- The premises has no sound insulation and increased noise levels will occur causing disturbance to neighbouring residential property, particularly late into the evening.
- The enjoyment of the small neighbouring garden area will be adversely impacted upon due to increased noise levels which would be detrimental to the health of neighbours.
- A commercial use of this nature is unsuitable for this site within a residential area.
- An overprovision of similar uses will occur.
- The proposal will result in loitering and anti-social behaviour.
- The bars on the windows of the premises constitute a fire hazard.
- Not all neighbours have been notified, notably those on the opposite side of Union Street.
- The distance to neighbouring property is less than the 20 metres specified in the neighbour notification received.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Development Plan, the impact on the existing town centre, impact on residential amenity within the town centre, the consultation responses and the representations received.

The application site is situated within the outer area of Greenock Town Centre, as defined by the Local Development Plan. Policy 22 of the Local Development Plan identifies that the preferred locations for the uses set out within Schedule 6 are within the network of centres identified within Schedule 7. With reference to Schedule 7, the application site is situated, as noted, within the outer area of Greenock Town Centre. Policy 1 requires all development to have regard to the six qualities of successful places. The most relevant criteria in this instance are being "adaptable", in avoiding creating buildings that will become neglected or obsolete; "resource efficient" in making use of existing buildings; and being "safe and pleasant" in avoiding conflict between adjacent uses. Policy 24 of the Plan specifically addresses *sui generis* uses within the network of centres and sets criteria against which assessment is required, consisting of impact on amenity and operation of existing businesses, concentration of uses, contribution to aspects of a centre's health and the availability and suitability of other locations. Policy 28 of the Local Development Plan advises that proposals for development within a conservation area require to preserve or enhance the character and appearance of the area. It is further advised that in assessing such proposals any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area requires to be considered.

As there are no external alterations associated with the proposal, it has no impact on the Conservation Area and no further assessment is necessary with reference to Policy 28. It therefore rests to consider the appropriateness of the proposed use.

With reference to Policy 22 and the associated Schedules, a performing arts academy is not a use that is specifically listed within Schedule 6 as being directed to locations within the network of centres. There is, however, nothing that specifically precludes other appropriate uses within these locations. The proposed use has elements similar to Class 10 uses and Class 11 uses, both of which are listed in Schedule 6. The Schedule also lists a variety of *sui generis* uses including a theatre, for example. I therefore consider that in principle, the proposed use is one which can be appropriately located within the town centre location.



Frontage of premises to Union Street

Whilst it is contended in the representations received that this is a residential area, the Local Development Plan identifies the site as being part of the outer area of Greenock Town Centre. It is recognised, however, that there are a number of residential properties adjacent to the site.

Considering residential amenity within the town centre, whilst I note the concerns regarding the lack of sound insulation and noise from within the premises, and the potential to affect neighbouring residential property inclusive of garden areas, noise from within the premises is addressed by the Head of Environmental and Public Protection (Environmental Health) via separate legislation. In the consultation response, the Head of Environmental and Public Protection (Environmental Health) also offers no objections on the grounds of noise disturbance to residential properties. It is accepted that the proposed use will bring increased pedestrian and vehicular movements into the area. This must, however, be considered in the context of the location on a busy thoroughfare. This, together with the existing variety of uses at this location, will result in an established level of noise and activity both during the day and into the evening. Whilst residents choosing to reside here may benefit from the proximity to local shops and other services within the town centre, they cannot reasonably expect the same degree of quietude as would be experienced within a wholly residential area. The applicant indicates the premises will generally operate between the hours of 9am and 9pm. This will ensure that additional late night disturbance from activity associated with the premises does not occur. The

hours of operation indicated by the applicant can be controlled by condition. Overall, I consider there to be an acceptable impact on residential amenity.

Turning to traffic and parking, the existing use as an office generates parking demand and there is no parking within the site. The Head of Service - Roads and Transportation recognises this in her consultation response and that due to site location it is not possible to provide any additional parking. The site is located in the town centre where there is easy access to the public transport network. The Head of Service - Roads and Transportation further advises that there are controls on parking in place to discourage dangerous parking in this area and there are various public car parks nearby, noting in particular the new Jamaica Street car park which is in close proximity to the application site.



Rear of premises

It is therefore acceptable in these circumstances that no dedicated parking be provided as part of this application. Being guided by the Head of Service - Roads and Transportation, I therefore consider that despite the busy town centre location, there are no concerns regarding traffic or parking. The site is also accessible by a variety of means. In the representations, concern is expressed regarding the potential use of the adjacent resident's private car park by staff and patrons and that this problem already occurs. The use of private resident's car parks by non-residents is a civil matter that is not material to the assessment of this application.

Policy 24 of the Plan specifically addresses *sui generis* uses within the network of centres. Whilst not a *sui generis* use listed within Schedule 6, I consider this policy does provide additional assessment criteria that are relevant to this proposal and it is therefore appropriate to additionally assess the proposal against this policy. I note the concerns raised regarding existing similar uses within the vicinity. Whilst there are no similar uses immediately adjacent to the site, I note dance studio uses nearby at Watt Street and George Square. Church halls can also provide for a variety of uses. I do not consider that the proposal will result in a clustering of similar uses to the detriment of residents within the Town Centre or to the Town Centre itself. This area of the outer Town Centre is also not characterised by retail premises and the proposal does not result in the loss of a retail unit.

The upper floor of the building also comprises an office and is under the same ownership as the application site. I do not consider there to be an unacceptable impact on existing businesses and the wider amenity of the area (criteria (a) and (b)). The increased activity associated with the premises also has the potential to benefit other businesses in the nearby central area of the Town Centre making a small contribution to the wider vibrancy and viability of the Centre (criterion (c)). Finally, given my favourable assessment, I do not consider there to be any more preferable locations within the Centre for this use (criterion (d)).

With reference to the outstanding points in the consultation responses, this is an existing premises and matters relating to bin provision and external lighting can be addressed by advisory note.

In considering the outstanding points raised in the representations, there is nothing to suggest that the proposal will result in loitering and anti-social behaviour at the premises and these have to be regarded as speculative concerns that would not merit refusal of the application. Fire safety and matters relating to the means of escape are addressed via separate legislation. I note concerns that not all neighbours were notified of the application. All neighbours within 20 metres of the application site were notified and, additionally, a press advertisement was placed in accordance with the requirement of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Residential premises to the opposite side of Union Street are in excess of 20 metres from the application site. Finally, the neighbour notification does not contend that neighbouring properties are all 20 metres from the application site. It is recognised that many of the neighbours notified are in close proximity.

In conclusion, I am satisfied that the proposed use is appropriate for the town centre location and is not at conflict with Policies 22 or 24 of the Local Development Plan. The proposal demonstrates the adaptability of the premises and ensures the reuse of existing buildings without detriment to adjacent uses, in accordance with the aims of Policy 1. Whilst I am mindful of the objections received, there are no material planning considerations which suggest that the proposal is not acceptable. Planning permission should therefore be granted subject to the condition below.

RECOMMENDATION

That the application be granted subject to the following condition:

1. The classes and activities associated with the performing arts academy use hereby permitted shall only be held between 9am to 9pm daily and all patrons shall vacate the premises by 9.30pm each evening.

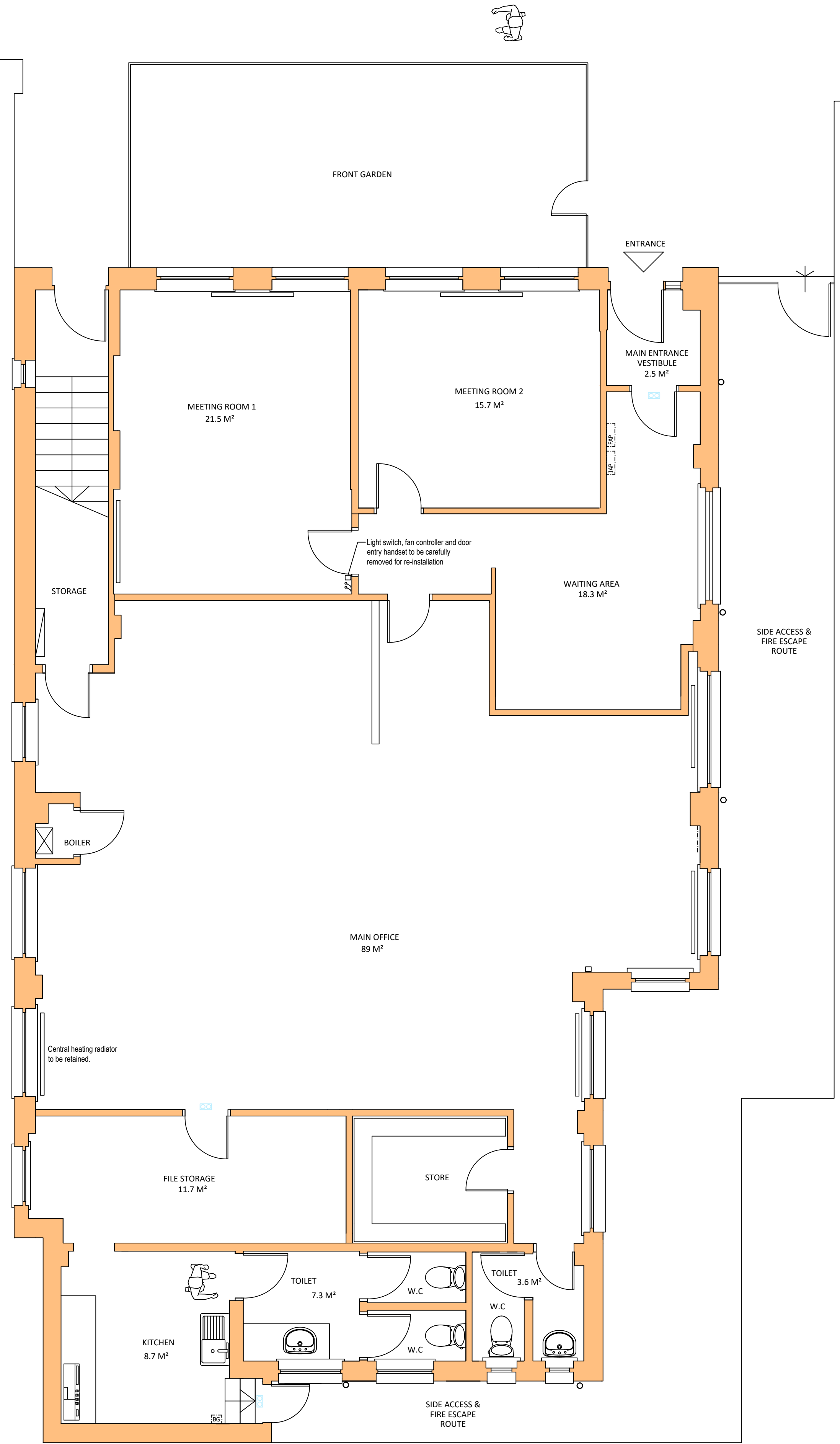
Reason

1. To avoid undue late night and early morning activity to the disturbance of residential property within close proximity to the premises.

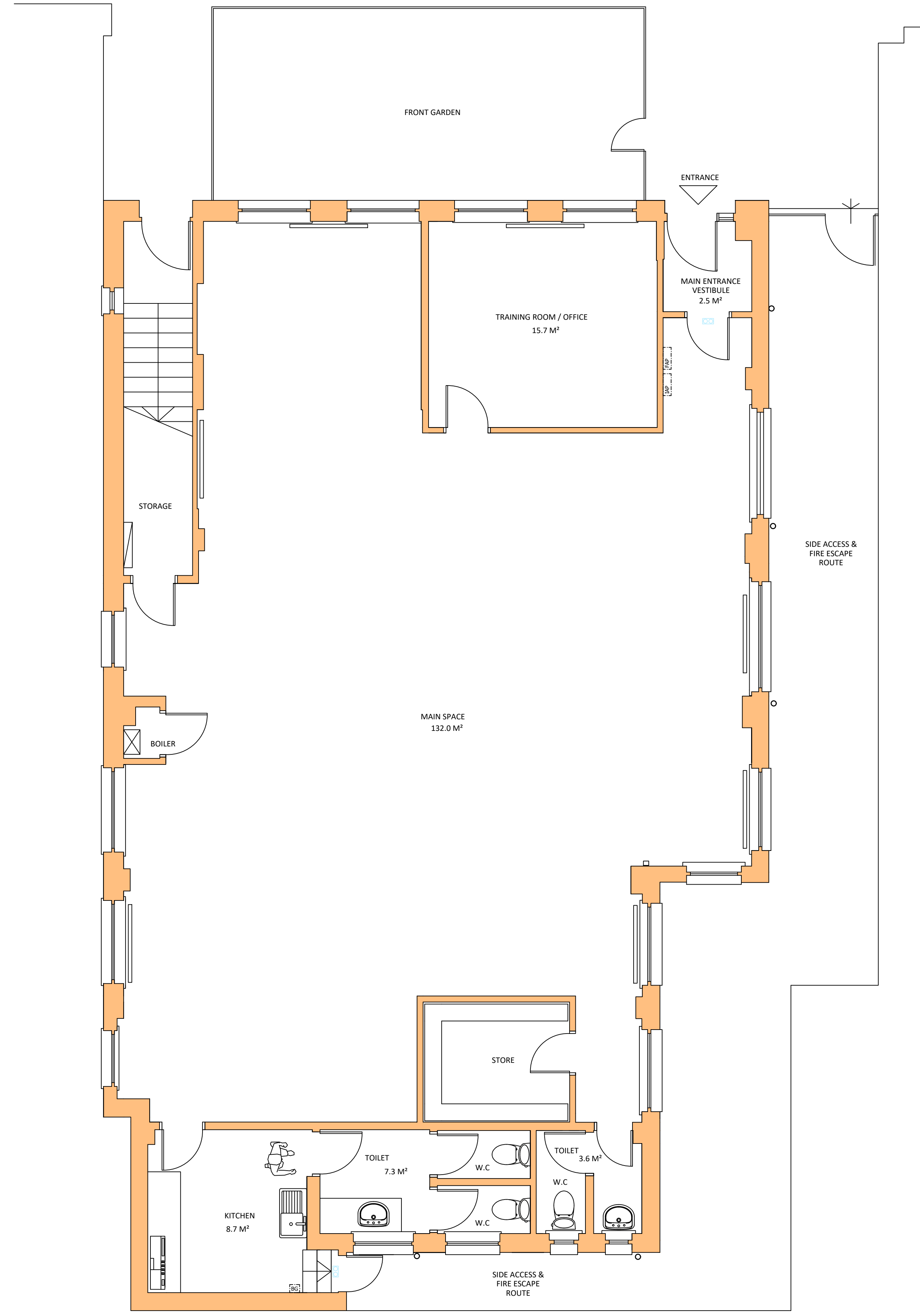
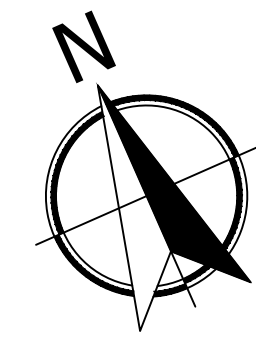
Stuart Jamieson
Head of Regeneration and Planning

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

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EXISTING FLOOR PLAN 1:50



PROPOSED FLOOR PLAN 1:50



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PROJECT TITLE
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 Plans as existing and proposed

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 1:50

DATE
 20/01/2021

DRAWN BY
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CHECKED BY
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Report To: The Planning Board

Date: 3 March 2021

Report By: Head of Regeneration and Planning

**Report No: 20/0010/IC
Plan 03/21**

**Local Application
Development**

**Contact
Officer: James McColl**

Contact No: 01475 712462

**Subject: Notification of Appeal: Timber deck to rear (in retrospect) at
Flat 1, 113 Albert Road, Gourock**



SUMMARY

- The planning application was refused by the Planning Board.
- The applicant appealed the decision to the Scottish Ministers.
- The appeal was upheld and planning permission granted.

Details of the appeal may be viewed at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121283&T=0>

INTRODUCTION

In September 2020 planning permission was refused by the Planning Board for a timber deck (in retrospect) for the following reason:

1. The effect on privacy, having regard to the fact that the deck is erected on a slope overlooking rear gardens.

NOTIFICATION OF APPEAL DECISION

An appeal against the refusal was lodged with the Scottish Government on 17th November 2020. The grounds of appeal were that:

- The timber deck erected is in conformity with the Local Development Plan and there are no material considerations to otherwise merit refusal of the planning application.
- The location at the rear of a large communal area of garden, the existence of similar structures and the distance between the structure and the flatted dwellings result in there being no material effect on privacy.

The appointed Reporter first considered the visual impact of the decking in the context of local architecture and urban form. She accepted that the outdoor seating area appears quite large in comparison to the adjacent small deck and garden ground. However, she went on to consider it to be much smaller in scale, and therefore less prominent, than the garage behind it and the boundary wall between gardens. She also considered it to be smaller than the deck at number 109/110. In taking all these points together, and considering the wider context of extensions, outbuildings and garden sheds in this locale, the Reporter concluded it was not out of step with the character of the local architecture and urban form.

The Reporter went on to consider the appeal site's location within the West Bay Conservation Area. She observed that in the main the deck is not visible from Albert Road or the promenade, apart from a brief glimpse between buildings. Nor did she consider it to be prominent in views from Hillside Road. Given the location to the rear of the properties on Albert Road, the Reporter concluded this development affects neither the character nor appearance of the Conservation Area, or its setting.

Turning to residential amenity, the Reporter observed that from the deck, no views were possible into the rear garden of number 114/115. Partial views of the gardens of numbers 111 and 109/110 were, however, possible. The Reporter was of the opinion that these views would be little different from that obtained from the garden prior to construction of the deck, the garden path to Hillside Road, or the adjacent small deck. She therefore did not consider that the extent of overlooking of neighbours' gardens has been significantly altered by the construction of the deck.

The Reporter further considered the potential for views towards the rear windows at number 112/113. She noted the decking was some 22 metres distant from the building and that whilst she could clearly see the rear windows of neighbouring properties when standing on the deck, she could not see into the rooms as the windows were either too far away or were at an angle. She found the only exception to be the top floor of number 112/113, where she could see items next to the window, but not into the room. Whilst noting the concerns raised in the representations she did not consider that the sight lines from the deck are such that neighbours' privacy is invaded.

Finally in considering the impact on residential amenity, the Reporter noted that at the site inspection there were table and six chairs on the deck together with a water butt and several plant pots. She considered the deck itself only large enough to accommodate the table and chairs and it would therefore not be able to accommodate a large group of people. Given its relatively modest size, she did not consider that it would intensify the use of the rear garden to an unacceptable degree.

Overall, the Reporter found the timber deck erected to accord with the relevant provisions of the development plan and there to be no material considerations which would justify refusing to grant planning permission.

The appeal was allowed and planning permission was granted. No conditions were attached to the planning permission.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

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