

Ref: CM

Date: 24 May 2021

A meeting of the Planning Board will be held on Wednesday 2 June 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.

ANNE SINCLAIR
Interim Head of Legal Services

BUSINESS

1.	Apologies, Substitutions and Declarations of Interest	Page
2.	Planning Applications Reports by Interim Service Director Environment & Economic Recovery on applications for planning permission as follows:	
(a)	Grenville Ltd Proposed construction of new semi-detached dwelling houses and associated works: Plots 8 and 9, Langhouse Mews, Inverkip (21/0084/IC)	p
(b)	Titan Homes Ltd Proposed erection of 22 no. 3 bedroom semi-detached houses, access road, open space and associated works: The McPherson Centre, McPherson Drive, Gourock (20/0099/IC)	p
(c)	Mr Jonathan Eadie External alterations and change of use of former farm outbuildings to forge with associated office and storage accommodation (amendment to planning permissions 18/0140/IC and 20/0275/IC in respect the provision of a replacement building to accommodate the forge): Lawpark Farm, Stepends Road, Kilmacolm (21/0071/IC)	p
3. (a)	Planning Appeals Report by Interim Service Director Environment and Economic Recovery regarding a planning appeal at 6 Knockbuckle Lane, Kilmacolm (20/0246/IC)	p

(b)	Report by Interim Service Director Environment and Economic Recovery intimating the outcome of a planning appeal at Blackwater Farm, Woodhead Road, Kilmacolm (20/0038/IC)	p
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Please note that because of the current COVID-19 (Coronavirus) emergency, this meeting will not be open to members of the public.

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.

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 – **Colin MacDonald** – Tel 01475 712113

Report To: The Planning Board

Date: 2 June 2021

Report By: Head of Regeneration and Planning

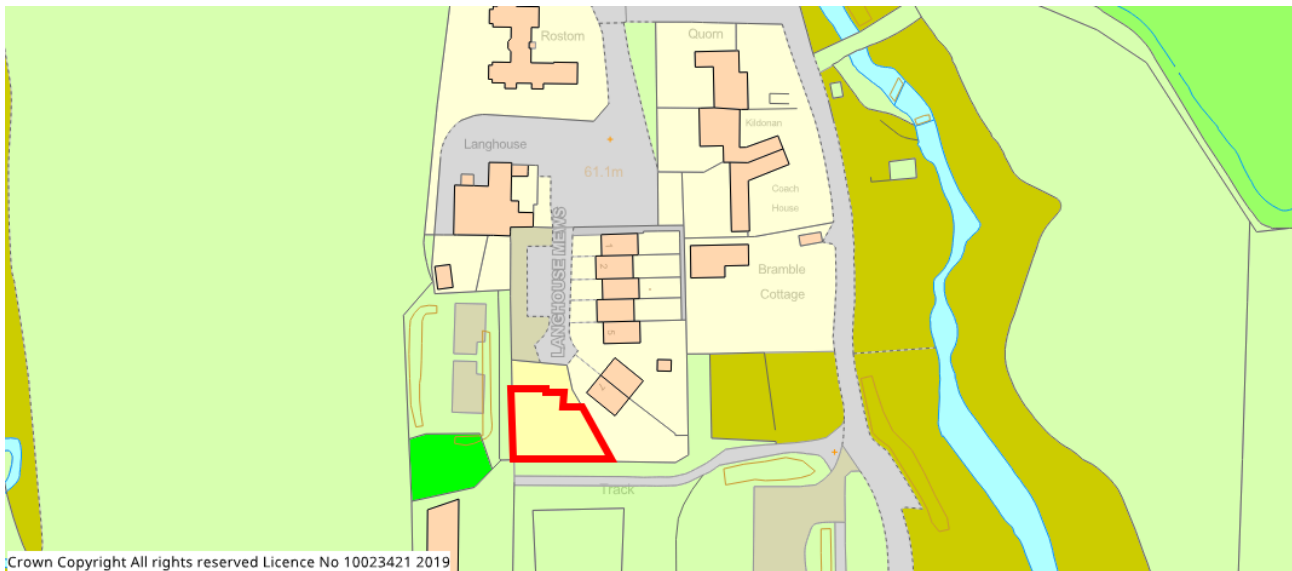
**Report No: 21/0084/IC
Plan 06/21**

**Local Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

**Subject: Proposed construction of new semi-detached dwelling houses and associated works at
Langhouse Mews, Plots 8 And 9, Inverkip**



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SUMMARY

- The proposal is contrary to the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan
- One objection has been received
- The consultations present no impediment to development
- The recommendation is to GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QQH43OIMLN600>

SITE DESCRIPTION

The application site is comprised of the southernmost part of the former walled garden associated with The Langhouse, located off Langhouse Road in Inverkip. The site is presently in a derelict state with some sparse tipped materials, overgrown weeds and grasses and a development platform which was built several years ago. The context for the development platform is explained below. The site boundaries vary from an approximately 2.5 metres high mainly coped brick wall to the west (which has a gap) and an approximately 1 metre high stone wall to the south, to a 1.8 metres high palisade fence to the east and north. The fence line does not equate to the application site boundaries. The site fronts onto a communal paviour surfaced courtyard and raised stone chipped area shared by seven existing dwellings and which includes parking provision. There are some mature trees outwith and to the south and west of the application site.

The existing adjacent dwellings which are of more recent construction, are a mix of semi-detached and terraced properties and are all two storeys in height with roof interventions consisting of rooflights and dormers. The dwellings are finished mainly in grey slates, coloured wet-dash render of different fawn hues and brown reconstituted blockwork. Fenestration consist of mainly white wooden and uPVC window frames featuring a stepped profile. The doors are mainly wooden and in a mix of white and grey. These existing dwellings all sit within the bounds of the walled garden of the B-Listed "Langhouse" located to the north-west outside of the walled garden.

The Langhouse is described in the Historic Environment Scotland listing as a mansion of 2 & 3 storeys; Victorian Baronial, with towerlets and battlements mainly dating from circa 1848; with early farmhouse nucleus. There is a two storey addition to the south, faced in imitation stone. The listing also indicates a suspected heritage feature on the wall above the gate of the walled garden dating to 1705.

Although the site is within the Green Belt there are a small collection of other houses in the immediate vicinity of various styles and finishes.

PROPOSAL

The proposal is to construct two semi-detached villas on the application site. These are to be designed and finished to closely resemble the existing more recent dwellings within the courtyard. The plans identify the use of Redland Cambrian slate, wetdash painted render and coloured blockwork with white uPVC window designs to match the adjacent properties. They will incorporate rooflights on the front elevations and a dormer and a rooflight on the rear elevations. The roof edges will be defined by club skews. In accordance with current energy requirements the rear roof elevations will also feature solar panels. Similar to the adjacent dwellings, the properties will not incorporate front gardens but will open out onto the communal courtyard. They will, however, incorporate private rear gardens of different depths (approximately 8 and 10 metres respectively). The courtyard paviour surface is to be extended to the sides of the dwellings to provide dedicated parking spaces. The plans indicate that the easternmost dwelling will have a shared access with the neighbouring property to the east. This replicates existing arrangements elsewhere within the former walled garden. The applicant owns other ground to the north of the application site.

Planning permission was granted in February 2005 for the conversion of The Langhouse into 2 houses and the construction of 11 houses within the walled garden and on the former tennis court outside of and to the west of the walled garden. The project progressed to the point that the conversion of the listed building took place and seven of the eleven new build dwellings were constructed. The full new build development was never completed, with the remaining undeveloped plots comprising those on the former tennis court and the two plots under consideration through this application. As development did commence, however, it remains the case that the original approvals could still be implemented, albeit that elements of the originally approved dwellings would need to be updated to meet current building standards.

This application has resulted from the applicant not only seeking to update the design of the houses but also to make changes from the houses which were originally approved on these plots, most notably, the deletion of some elevational features including the deletion of a two level projecting bay window and chimneys and the incorporation of front elevation eyebrow features over one window.

DEVELOPMENT PLAN POLICIES

ADOPTED 2019 INVERCLYDE LOCAL DEVELOPMENT PLAN

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 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 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

Policy 29 - Listed Buildings

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

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

Policy 30 - Enabling Development

Proposals for enabling development to support the restoration of listed buildings will be considered favourably where it can be clearly shown to be the only means of preventing the loss of the listed building and securing its long term future. Any enabling development is required to be the minimum necessary to achieve this aim. The resultant development is required to be designed and sited carefully to preserve or enhance the character and setting of the listed building. Further detail will be set out in the Council's Supplementary Guidance on Enabling Development which will form part of the assessment of any proposals.

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

PROPOSED 2019 INVERCLYDE LOCAL DEVELOPMENT PLAN

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 20% 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 25% by the end of 2025.

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 or natural 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 10 - 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 4th 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, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 - Promoting Sustainable and Active Travel

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

- o provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- o 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 national, regional and 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; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

Policy 12 - 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, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 15 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) within the curtilage of an existing use, which is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location. Proposals in the green belt must not undermine the objectives of the green belt as set out in Scottish Planning Policy and the Clydeplan Strategic Development Plan. Non-conforming uses will only be considered favourably in exceptional or mitigating circumstances.

Policy 18 - Land for Housing

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- o a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- o there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- o that the proposal is for sustainable development; and
- o evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Policy 19 - Individual and Small Scale Housing Development in the Green Belt and Countryside

Proposals for individual and small scale housing development (up to 3 houses) in the Green Belt and Countryside will only be supported in the following circumstances:

- o where the dwelling(s) is justified by the operational needs of a farm or other viable business which is inherently rural in nature and has been in operation for at least 5 years;
- o where the dwelling(s) is an ancillary and integral part of a development that would bring significant economic benefits to Inverclyde;
- o demolition and replacement of a habitable dwelling which cannot otherwise be brought up to current building standards, and where the proposed dwelling is similar in scale to the existing dwelling;
- o sub-division of an existing dwelling to create one or more additional dwellings, but only where any extensions are clearly ancillary to the existing building; or
- o conversion of redundant stone or brick built non-residential buildings, where the proposal is supported by proof that the existing building is no longer needed for its original purpose, and a structural survey indicates that the building is structurally sound and capable of conversion without substantial alteration, extension or rebuilding, with any new build element clearly ancillary to the existing building.

In all instances, dwellings are required to be designed and located to respect and complement their Green Belt/Countryside location and their landscape setting. Any new development should positively contribute to the established character of the local landscape in terms of siting, scale, design, form and materials.

Policy 29 - Listed Buildings

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

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

Policy 30 - Enabling Development

Proposals for enabling development to support the restoration of listed buildings, including those listed in Schedule 9, will be considered favourably where it can be clearly shown to be the only means of preventing the loss of the listed building and securing its long term future. Any enabling development is required to be the minimum necessary to achieve this aim, and the Council will not support enabling development where the scale of new building proposed is considered to outweigh the benefit of retaining the listed building. The resultant development is required to be designed and sited carefully to preserve or enhance the character and setting of the listed building. Further detail will be set out in the Council's Supplementary Guidance on Enabling Development which will form part of the assessment of any proposals.

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

CONSULTATIONS

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

- Each plot shall contain 3 parking spaces
- The minimum dimensions of the driveways should be 3m wide by 5.5 m long per bay
- Driveways shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road
- Driveway gradients should not exceed 10%
- All surface water is to be contained within the site and be limited to that of greenfield run-off. Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas

Scotland Gas Networks – There is no plant in the vicinity. No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 2nd April 2021 as development affecting the setting of a listed building.

SITE NOTICES

A site notice was posted on 2nd April 2021 for development affecting a listed building.

PUBLIC PARTICIPATION

One objection has been received. The points of objection may be summarised as follows:

- Increased traffic flow to an area of natural wildlife;
- Increased traffic flow on a single track road;
- The road is in poor condition and increased construction traffic will adversely impact on this;
- Lack of maintenance to surrounding area;
- The proposed car park area has significant trees and wildlife including badgers, hedgehogs, birds and squirrels;
- The car park is directly behind a coach house which will attract possible youths and antisocial behaviour;
- The area is overgrown at the car park site and it is not known who will maintain it;
- Access to the property is over a weak Roman bridge and heavy traffic may weaken it further;
- Other houses remained unoccupied for years which attracted antisocial behaviour;
- A daycare business runs from The Langhouse and increased traffic may endanger children.

ASSESSMENT

The material considerations in determination of this application are the adopted 2019 Inverclyde Local Development Plan (LDP), the proposed 2021 Inverclyde Local Development Plan (LDP), the adopted and draft Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", the consultation replies, the objection, the immediate development context the planning history of the site.



Location (presently fenced off) within the former walled garden, looking south

The application site is located within the Green Belt, as defined by the adopted LDP. This invokes initial consideration of the Glasgow and the Clyde Valley Strategic Development Planning Authority Clydeplan. It is the case, however, that the construction of two houses does not constitute a strategic scale of development under Schedule 14 of Clydeplan and therefore consideration of the proposal, in development plan terms, falls to the adopted LDP. As noted, the application site is within the Green Belt and Policy 14 of the adopted LDP which addresses development in the Green Belt is relevant. This policy indicates that development will only be permitted if it is appropriately designed, located and landscaped and is associated with five specified criteria, none of which the proposal meets and, therefore, it is contrary to the adopted LDP. Similar criteria are

listed under Policy 15 of the proposed LDP. Furthermore, Policy 19 of the proposed LDP reinforces Policy 15 with regard to individual and small scale housing in the Green Belt. This policy sets out additional criteria nuanced in respect of small scale development. The proposal again does not meet these criteria.

It is the case, however, that there are mitigating circumstances that apply in this instance as the proposal is very similar to a remaining element of planning permission IC/04/284 which could still be implemented without any further recourse to a revised planning application. As noted above, the key changes only relate to elements of design and it would not be a very defensible position for the Council to refuse planning permission given these circumstances. On that basis, although I note that the proposal is technically a departure from the development plan with regard to Green Belt policy, I consider that this alone does not merit refusal of the proposal. It is the case, however, that the other material considerations, including an examination of the remaining policies of the Local Development Plans, is required to establish if there are any other reasons the application should not be supported.

I consider that the design of the proposed dwellings and the choice of finishing materials are acceptable, noting that they will complement those of the existing dwellings within the former walled garden area. Adequate parking provision is also to be made. It is noted that the rear garden depth of one of the plots is substandard at approximately 8 metres, compared to the 9 metres depth set out in the guidance in the adopted and draft PAAN3. It is the case, however, that the rear garden width is greater than normal, being more than twice the width of the house. Furthermore, immediately to the rear of the plot is an access track with no existing dwelling in close proximity to the proposed dwelling. On this basis I conclude that a departure from the guidance is acceptable in this instance. Policy 18 of the proposed LDP requires that all proposals for residential development be assessed against the relevant supplementary guidance, in this instance the adopted and draft PAAN3. Considering my conclusion above I am therefore satisfied that the proposal is supportable in relation to Policy 18.

The supporting information provided by the applicant suggests that the principles of sustainable drainage can be met and this can be reinforced by condition, thus meeting the requirements of Policy 9 of the adopted LDP and Policy 10 of the proposed LDP.

The application site will link to the wider area via Langhouse Road but I also note the close proximity of a remote footpath which generally follows the Daff Glen. It is acknowledged that the site is slightly remote from Inverkip village, in common with the group of houses in the vicinity, but it is also appropriate under current policy to require that the applicant provide electric vehicle charging infrastructure to help address future sustainable travel. The latter point may be addressed by condition and I am therefore satisfied that the requirements of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP can be addressed. The provision of dedicated parking spaces will ensure compliance with the requirements of Policy 11 of the adopted LDP and Policy 12 of the proposed LDP.

Policy 29 of the adopted and proposed LDPs is relevant insofar as the application site sits approximately 40 metres from The Langhouse. Both these policies require proposals affecting the setting of a listed building to protect its special architectural or historic interest. Given the conclusion was reached in 2005 that a similar proposal to that under consideration had an acceptable impact on the setting of the listed building I am satisfied that this remains the case, in compliance with these policies.

Policy 30 of both the adopted and proposed LDPs is in respect of enabling development, indicating support for that which enables the restoration of listed buildings, requiring that it be designed and sited carefully to preserve or enhance the character and setting of the listed building. This matter was considered in detail under the original application and the current application should be regarded as being in respect of adjustments to previously approved housing which was justified as part of the original overall financial package to ensure the long term retention of The Langhouse.

Drawing all of the above together, I conclude that the proposal has regard to and is acceptable with respect to the six qualities of successful places in Policy 1 of the adopted and proposed LDP, particularly in being “Distinctive” in reflecting local architecture and urban form and also contributing positively to the historic nature of the place; being “Adaptable” in addressing a space that has become neglected; it can be made “Resource Efficient” by condition ensuring that the houses will incorporate low and zero carbon energy-generating technology (also therefore addressing the requirements of Policy 6 of the adopted and proposed LDPs which require new buildings to ensure at least 15% of the carbon dioxide emissions standard set by the Scottish Buildings Standards be met through the installation and operation of low and zero-carbon generating technologies, increasing to at least 20% by the end of 2022 (20% and 25% respectively in the proposed LDP)); being “Easy to Move Around” as it is well connected with good links to the wider path network and neighbouring developments; being “Safe and Pleasant” in avoiding conflict with adjacent uses regarding noise, smell, vibration, dust, air quality, flooding, invasion of privacy or overshadowing. In this regard it is noted that there may be some disruption during the construction process but this is inevitable with any development project and does not form grounds for the refusal of planning permission. Should any excessive disturbances occur then the Head of Public Protection and Covid Recovery may be approached with regard to the relevant legislation. I also consider that the proposal would be “Welcoming” in integrating new development into existing communities.

It is therefore the case that notwithstanding the proposal being contrary to the adopted and proposed LDPs with regard to being a development in the Green Belt, the wider policy analysis and the planning history of the site confirms that it is an acceptable departure. It remains to be considered if there are any other material considerations which suggest that planning permission should not be granted.



Present condition of the site

With regard to the consultation responses, these do not suggest that permission should be refused. Matters relating to surfacing and gradients of driveways and containing surface water runoff may be addressed by conditions or advisory notes on a grant of planning permission.

With regard to the points of objection not already addressed above, the Head of Service – Roads and Transportation does not suggest that there is any issue with regard to the ability of the road to cope with extra traffic in terms of number of vehicles or the nature of construction traffic, including on the Roman bridge. I also note in this regard that it seems to have coped with the earlier more intensive traffic for the earlier new build development. The application site itself is not well maintained and the proposal will address this. Maintenance issues in the wider area are not relevant to the application under consideration. The applicant does not propose a car park, only

dedicated parking provision for the two house plots. There is “overspill parking” shown on the submitted plans to the north outwith the former walled garden but this relates to the original permission and does not form part of the current application. Having had the opportunity to view the site, I am satisfied that there are no ecological issues and that it is recognizably part of a wider residential development, albeit that it is currently fenced off. I note the other issues raised in terms of historical vacancy of other dwellings and potential dangers to children connected with a daycare business in the vicinity but neither of these matters merit refusal of the proposal.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. In this instance I consider that the planning history of the site determines that there is justification for a departure from the Local Development Plan in this instance and that planning permission should be granted, subject to appropriate conditions in respect of various matters.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That prior to the commencement of development details and samples of all facing materials, including colours shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
2. That prior to the commencement of development samples or other details of all soft and hard landscaping materials shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. That prior to the commencement of development, details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The approved treatments shall thereafter be used unless a variation is approved in writing by the Planning Authority and shall be completed prior to the occupation of the relevant house.
4. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). This shall include details of how flows are to be managed to avoid flooding of adjacent ground and shall be limited to that of greenfield run-off, and the containment of surface waters within the application site.
5. That all dwellings 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), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the house.
6. That each of the dwellinghouses hereby permitted shall be provided with an electric vehicle charging point prior to its occupation.
7. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt; this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.

8. That both driveways shall be paved over at least the first 2 metres.
9. That both driveway gradients shall not exceed 10%.
10. That prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted to and approved in writing by the Planning Authority.
11. That the surfacing within the blue line indicated on drawing JCM5 Rev B shall be provided prior to the first of the dwellinghouses hereby permitted being occupied.

Reasons

1. To ensure accordance with the design of the adjacent existing houses within the former walled garden area in the interests of amenity.
2. To ensure accordance with the adjacent developments in the interests of the amenity of the area.
3. To allow assessment of the appropriateness of any boundary features in the interests of amenity.
4. To control runoff from the site to reduce the risk of flooding.
5. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
6. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
7. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
8. To ensure usability of the driveways.
9. To prevent deleterious material being carried onto the carriageway.
10. To ensure the suitability of infrastructure connections.
11. To ensure the provision of adequate vehicular accesses to the driveways.

Stuart W Jamieson
Interim Service Director
Environment and Economic Recovery

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

Report To: The Planning Board

Date: 2 June 2021

**Report By: Interim Service Director
Environment and Economic Recovery**

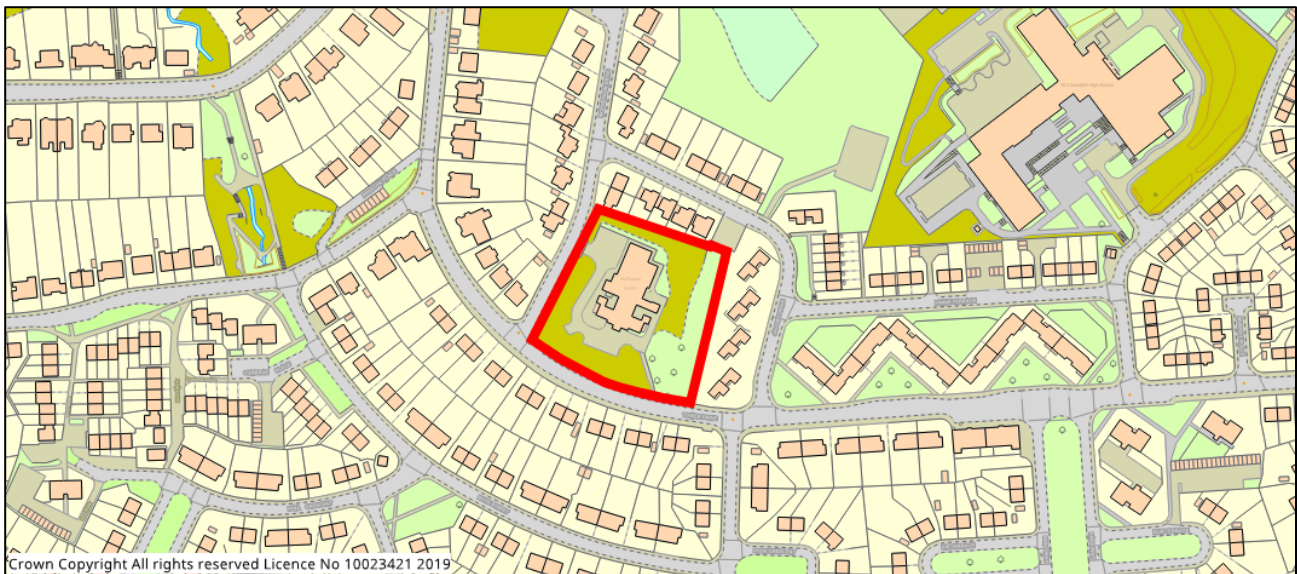
**Report No: 20/0099/IC
Plan 06/21**

**Local Application
Development**

Contact Officer: James McColl

Contact No: 01475 712462

**Subject: Proposed erection of 22 no. 3 bedroom semi-detached houses, access road, open space and associated works at
The McPherson Centre, McPherson Drive, Gourrock**



SUMMARY

- The proposal accords with the adopted Inverclyde Local Development Plan and the proposed Inverclyde Local Development Plan
- Seven representations were submitted including six objections
- Consultations received present no impediment to development
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QA9HTXIMH5B00>

SITE DESCRIPTION

Extending to an area of approximately 0.72 hectares, the application site comprises the former McPherson Centre building and associated grounds. The former Centre is situated on the north-eastern corner of Tower Drive and McPherson Drive with the vehicular access to the site currently taken from McPherson Drive. Following a review of service provision, the centre was closed by the Council with the services it offered now provided at alternative locations. The building is vacant, affected by vandalism and the site has become overgrown. Externally, the existing building is finished primarily in off-white render and a weathered, tiled roof. Levels within the site are varied with a flat central area sloping down gently to Tower Drive. More severe level changes are found to the northern periphery of the site where they rise up to the boundary. A number of trees also lie within the site.

Adjacent lie a variety of residential properties on Tower Drive, McPherson Drive, and Jacobs Drive. To the north and east, the site adjoins the rear of the properties on Jacobs Drive. To the west, the site is bound by McPherson Drive with hedge planting along this boundary. To the south the site is bound by Tower Drive where the boundary is defined primarily by an existing wall and hedge.

PROPOSAL

It is proposed to remove the existing building, clear the site and erect 22 semi-detached dwellinghouses. Each dwelling will have a private front and rear garden area, with in-curtilage parking provided together with on-street visitor bays. Ten of the dwellings will front and take access from Tower Drive with the remainder taking access from a new road connecting to McPherson Drive. Open space and landscaping will be provided within the site. Garden boundaries between plots, together with side and rear boundaries, will be defined by timber fences. The boundary to McPherson Drive will be defined by a hedge with a fence to the inside and a 500mm high wall will be provided to the Tower Drive frontage. Driveways, visitor parking spaces and the new road within the site will be finished in block paving.

The proposed dwellinghouses are of a two storey modern design utilising a mix of white render, red/brown facing brick with grey mortar, red concrete roof tiles and white uPVC window frames, fascias and soffits.

ADOPTED 2019 LOCAL 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 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 12 - Air Quality

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

Policy 16 - Contaminated Land

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

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.

Proposals for new forestry/woodland planting will be assessed with regard to the Supplementary Guidance to be prepared in association with the Clydeplan Strategic Development Plan, and the UK Forestry Standard.

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.

Policy 36 - Delivering Green Infrastructure through New Development

The Council supports the integration of green infrastructure into new development and will require green infrastructure to be provided in association with new development in accordance with the relevant Supplementary Guidance.

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

PROPOSED 2021 LOCAL 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 and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 – Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 20% 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 25% by the end of 2025. 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 or natural 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 9 – 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 risk management 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 resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

Policy 10 – 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 4th 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, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 – 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, including links to the wider walking, cycling network and public transport 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 national, regional and 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; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

Policy 12 – 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, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 13 - Air Quality

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

Policy 17 – Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

Policy 18 – Land for Housing

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Policy 20 - 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.

Policy 21 – Wheelchair Accessible Housing

The Council will seek the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. Developers will be required to demonstrate that they have considered the demand for and provision of wheelchair accessible housing if they are seeking an exemption from this requirement.

Policy 33 – Biodiversity and Geodiversity

European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must 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 either during construction or operation of the development, 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 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 protected 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, adequate compensatory measures will be required.

Non-designated sites

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 35 – Trees, Woodland and Forestry

The Council supports the retention of trees, including 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; or
- 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.

Proposals for new forestry/woodland planting will be assessed with regard to the policies of this Plan and the Forestry and Woodland Strategy for the Glasgow City Region

Policy 36 – Safeguarding Green Infrastructure

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.

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

Policy 37 – Delivering Green Infrastructure through New Development

Green infrastructure provision should be informed by an appraisal of the existing natural features and eco systems services on and in close proximity to the proposed development site and fully incorporated into the wider design process at an early stage, in line with the approach to be set out in the Supplementary Guidance on Green Infrastructure.

Development proposals are required to provide open space in line with the standards to be set out in Supplementary Guidance on Green Infrastructure. The Supplementary Guidance will also set out circumstances under which off-site provision or a developer contribution towards green infrastructure will be provided.

Where opportunities exist, development proposals will be required to provide new paths linking to the active travel network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

Development proposals are required to demonstrate how naturalised features will be incorporated into SuDS provision, in order to provide additional benefits such as habitat creation and open space. Where a SuDS proposal forms part of open space provision, it should be made safe and accessible.

The Supplementary Guidance on Green Infrastructure will set out how biodiversity enhancement can be incorporated into new developments, and the circumstances in which provision will be expected.

Green infrastructure proposals should be supported by information on how long term management will be achieved, including maintenance requirements, who will be responsible for meeting these requirements, and how they will be funded.

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

CONSULTATIONS

Head of Service - Roads and Transportation – No objections to the proposed residential development. The following points are highlighted:

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

1 bedroom	1 parking space
2-3 bedrooms	2 parking spaces
4 bedrooms	3 parking spaces

Visitor parking should be provided at 0.25 spaces per dwelling (unallocated).

- The application proposes 22no. 3 bedroom dwellings which requires 2no. parking spaces each and 6 visitor spaces.

The applicant is proposing the provision of 6 visitor spaces. The arrangement is accepted.

Parallel parking spaces should be a minimum of 2.5m by 6.0m and nose-in bays should be a minimum of 2.5m by 5.0m.

- Each space on the driveways shall be a minimum of 3.0m by 5.5m and the gradient shall not exceed 10%.
- The driveways should be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.
- The driveways of the dwellings closest to McPherson Drive require to be 10 metres from the junction. A planning condition is recommended to ensure this is achieved.
- The visibility splay at the access and for vehicles existing McPherson Drive onto Tower Drive should be 2.4m x 43m x 1.05m. The applicant has demonstrated this.

The visibility splay from driveways should be 2.0m x 20.0m x 1.05m. The applicant has ~~had~~ demonstrated this.

- The shared surface on the new road is not acceptable as this creates difficulties for the visually impaired. A footway should be added to at least one side of the road. This is achieved.
- All footways and footpaths should be a minimum of 2.0m wide.
- The road within the site shall be a minimum of 5.5m wide and have a gradient of 8% or less.

- 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.
- Appropriate traffic calming is provided.
- A Road Construction Consent and Road Bond will be required for all new roads and footways.
- The applicant should provide a design calculation in accordance with the Design Manual for Roads and Bridges for all retaining structures which are adjacent to roads.
- The flood risk assessment and drainage impact assessment are acceptable.
- The drainage drawing and calculations are acceptable

The following is required:

- Confirmation of Scottish Water's Approval
- Surface water run-off should be limited to that of Greenfield.

Head of Public Protection and Covid Recovery - No objections. Conditions in respect of ground contamination and Japanese Knotweed, external lighting, hours of works, bin provision and sound insulation complying with the building regulations are recommended.

Education - In isolation, this development is viewed as low risk to school capacities due to the small scale. However there are other large scale potential developments within the Local Development Plan for the St Columba's catchment. If they go ahead then this, and other smaller developments, may be an additional contributor (albeit small) to the wider issue that has been identified in respect of this school.

Ecology advisor - Some minor concerns regarding the submitted bat survey however it is concluded that the desktop survey provided an appropriate level of background information; the dusk emergence and dawn surveys were carried out at a suitable time of the year, however due to Covid Restrictions, it was recognised that the number of visits was cut short; the daytime site inspection is equivalent to the BSPE "Preliminary Roost Assessment (PRA) survey"; the surveyors were suitably experienced in bat survey work and a good number of surveys were used in order to view the whole of the buildings; the correct bat survey equipment was used. The response goes on to make a number of recommendations.

PUBLICITY

The application was advertised in the Greenock Telegraph on 5th June 2020 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

Seven representations were received in connection with the proposal. Six are in objection and whilst the seventh does not raise an objection to the proposal, a concern is highlighted. The concerns raised can be summarised as follows:

The principle of the redevelopment of the site

- The existing building is of historic interest and should be retained.
- The grounds of the building form part of the wider green and open space within the area.
- The building comprises a much loved local landmark.
- The existing building could be used as a community asset for the grounds to be enjoyed.
- The building was left to the people of Gourrock as a common good asset and should not be developed.
- Alternative uses should be considered by the Council before selling for development.
- This site could be conserved and converted into accommodation the elderly and retired.
- The Council has no legal right to sell the site for redevelopment.
- The Council is seeking to sell the site to make money rather than benefit the community.

Loss of trees and impact on wildlife

- The trees on site should be retained due to their visual amenity, habitat for wildlife, and as part of the pollinator corridor.
- Deer, foxes, squirrels, bats and birds are found within the site.
- The trees add character to the local area.
- The removal of trees and redevelopment of the site could result in flooding from rainfall as the trees would no longer absorb water.
- The trees soak up sound from the surrounding area including from traffic and the nearby school and their removal would cause sound to travel and cause additional disturbance.
- The wider area does not contain many trees.

Roads and traffic

- Additional traffic and congestion would occur from the development.
- The local roads infrastructure is inadequate.
- Tower Drive and surrounding streets have a high number of accidents and daily incidents.
- The adjacent bus stops would become more dangerous.
- An additional danger to children walking or cycling to and from nearby schools would occur.
- Roads would become busier and more dangerous.

Infrastructure and capacity of local facilities

- Sewage, water pressure and other services could be affected by more housing.
- There are capacity issues within schools.
- Gourrock Health Centre may not be able to take on more patients.

Layout and housing type

- Trees should be retained as part of the design of the development.
- The layout is bland.
- The open space is provided as an afterthought.
- The development should be for affordable housing.
- The development should be based on priority designs for low income families, elderly people, single people and people with disabilities.

Other matters

- Affordable housing in association with the development at Kirn Drive, Gourrock has not been provided.
- Now this centre has been closed, the only alternative facilities are in Greenock and upper Port Glasgow.
- Other Council assets and community facilities have also been sold off, removed or left in a poor condition.
- A substantial sum was spent on the building to upgrade it a number of years ago.
- The land is being sold for a low sum of money.
- The proposal to sell and redevelop the site represents poor decision making.

I will consider these in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are national planning policy inclusive of Scottish Planning Policy (SPP), the adopted 2019 Inverclyde Local Development Plan, the proposed 2021 Inverclyde Local Development Plan, the adopted and draft Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", the visual impact, the impact on residential amenity, the impact on ecology, the consultation responses, the representations received and the applicant's supporting documentation.

Policy context

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 National Planning Framework (NPF) 3 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 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. The application is not of a strategic scale and accordingly, for the purposes of the assessment, the development plan consists of the 2019 Inverclyde Local Development Plan. A decision of the Court of Session in July 2020 quashed the 'Our Homes and Communities' chapter of the 2019 Inverclyde Local Development Plan, meaning the Plan does not contain a policy context for assessing housing proposals. In response to this, the Council acted quickly to commence an early review of the Plan. In December 2020, a Main Issues Report was published and this considered the housing land position. The 2021 proposed Local Development Plan was approved for publication by the Environment and Regeneration Committee on 13 April 2021 and, following identification of a housing land supply shortfall and as a result of a site selection process, specifically includes this site as

allocated for housing development. The 2021 proposed Local Development Plan has become a significant material planning consideration to which appropriate weight needs to be accorded.

The Spatial Development Strategy of both the adopted and proposed Plans 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 18 of the proposed Plan advises that in order to enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. This site is included in Schedule 3 of the proposed Plan with an indicative capacity of 22 dwellings. Policy 18 goes on to require all proposals for residential development will be assessed against relevant Supplementary Guidance.

Policy 1 of the adopted and proposed Plans require 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; “Resource Efficient” in making use of previously developed land; “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.

Design and layout

Successful residential layouts require well designed buildings in a setting of gardens and open space and within a framework established by landscape features and road layout, all recognising the impact on neighbours. The site is located in the existing urban area and in the surrounding area there are a variety of house types. These houses are generally developed in distinct blocks of similarly designed



The site as viewed from Tower Drive

buildings based on a low density approach. Flatted blocks on Tower Drive beyond the junction with Jacobs Drive to the east add further variety to the streetscape. Overall, the proposed development follows this theme and I regard it as compatible with the character and amenity of the area in terms of land use and residential density. With respect to design and materials, the proposed new dwellings are of a modern design and this approach is appropriate. Whilst the houses all follow a similar overall design approach, variations in the materials and detailing between units creates visual interest with

five separate designs utilised across the development. This approach is appropriate. In any case, it is appropriate that the final choice of external materials is controlled by condition. A strong frontage to Tower Drive is proposed with ten of the dwellings fronting and taking access to Tower Drive. The remainder of the dwellings access from and front onto a new road created from McPherson Drive and this also provides a strong frontage within the development contributing to a welcoming environment. The two dwellings which present their gables to McPherson Drive include additional visual interest to the gable by way of the use of windows and materials and this is reflected on the house which adjoins the open space to the north-west corner of the site. Overall, I consider that the wider visual impact of the development on the site and its surroundings is acceptable and the creation of a small, compact development will follow the wider pattern of development within the locality. The new road within the development will be formed primarily in a blockwork wearing course which differentiates this residential cul-de-sac from McPherson Drive that provides the access to the site, defining a hierarchy within the streets and contributing to a sense of place.

Garden boundaries between plots together with side and rear boundaries will be defined by a timber fence. The boundary to McPherson Drive will be defined by the retention of the existing hedge with a fence to the inside. To the Tower Drive frontage, the existing boundary wall will be partly retained. New openings will be formed to provide access to the new dwellings and the height will be reduced to 500mm high to address the sightline requirements from the driveways. It is not proposed to enclose front gardens to the internal part of the site. Overall, I am satisfied that the boundary treatments proposed are appropriate in the context of the wider residential area. Levels are addressed across the site by sloping areas and the provision of retaining walls, largely within or between plots and to a height no higher than 1300mm. Whilst the final appearance has not been specified, it is expected they will be designed in the context of the new houses and the final material can be addressed by condition.

Assessing against the adopted and draft PAAN3, I am satisfied that the requirements for garden space provision around the individual dwellings have largely been met within the proposed layout according with the guidance within PAAN3. Considering play provision, as the development comprises more than 10 new houses it is classed as a large scale infill development in terms of PAAN3. Following discussions with the applicant, it is agreed that the scale of this development alone would, however, not justify a fully equipped play area. In certain circumstances PAAN3 sets out provision for developers to make a contribution to existing or new off-site play provision in lieu of providing on site provision. There is existing play provision off Jacobs Drive a short walk from the site which will provide play opportunities for new residents. I am satisfied that a contribution towards the maintenance or improvement of existing play provision is appropriate in this case. The applicant is also agreeable to this approach. A figure of £10677.33 is deemed the appropriate amount to address this matter. Procedurally, this can be addressed by the conclusion of a legal agreement prior to issuing planning permission.

In respect of open space provision, it is recognised that whilst open space is provided within the site, the requirements of PAAN3 are not fully met in respect of the combined size of the areas of open space. Around 1250 square metres of open space is provided within the development layout. However, in this case an area of around 1800 square metres would be necessary to fully meet the requirements of PAAN3. Notwithstanding this, open space which provides for informal recreation and play, together with a setting for the new buildings is achieved and appropriately located within the layout. In fully considering the amenity of the new residents, I am mindful that Tower Hill, which is a short walk from the site via existing footpaths on residential roads, provides an extensive area for outdoor recreation together with play provision. In this context, I consider that a departure from the full requirements of the adopted and draft PAAN3 can be justified in this instance. In respect of soft landscaping within the site, the applicant has set out a landscaping strategy. Notwithstanding what is set out, a condition can address the final details of this together with its implementation and maintenance. This additionally ensures that the overall aims and intentions of Policy 35 of the adopted Plan and Policies 18, 36 and 37 of the proposed Plan are met.

Existing trees

The site is not identified in the adopted or proposed Local Development Plans as open space nor has the curtilage of the existing building been laid out for that purpose. A variety of trees currently exist in the application site, growing within the curtilage of the existing building. The function of the trees is as part of a curtilage and garden area. These trees are not protected and they could be removed by the landowner independently of any planning application for the redevelopment of the site. Notwithstanding this, Policy 34 of the adopted Plan and Policy 35 of the proposed Plan set out the the Council's support for the retention of woodland and other trees that have significant amenity, historical, ecological, landscape or shelter value. The Policy goes on to set out the criteria for assessing development proposals affecting the above. It is accepted that the trees have some amenity value within the area. However, this site is also an identified residential development opportunity within the proposed Local Development Plan with an indicative capacity of 22 dwellings, a figure which accords with the current proposal. Having fully reviewed the development proposals with reference to the locations of the trees on site, it is clear that they occupy the same areas within the site and therefore proposed dwellings and associated infrastructure cannot be constructed unless the trees are removed across the site.

The development of the site would not only contribute to meeting local housing land supply requirements but also the key aims and strategies of the adopted and proposed Local Development Plans including supporting new residential development in order to meet Inverclyde's housing needs and demands, together with the aims of longer term population growth. I consider it reasonable to conclude that this proposal for the development of the site for 22 dwellings in accordance with the residential development allocation in the proposed Local Development Plan cannot be achieved without the removal of the existing trees (criterion (a) of Policy 34 of the adopted Plan). The public benefits in seeking to support new residential development in order to meet Inverclyde's housing needs outweigh the loss of the unprotected trees on this site (criterion (b)) and compensatory planting of trees of a suitable native species and appropriate for a residential setting can be provided as part of the landscaping scheme for the development which, as noted above, can be addressed by condition (criterion (c)). Policy 35 of the proposed Plan reflects this position.

Residential amenity

Considering residential amenity, the development is surrounded on all sides by existing dwellings, either immediately adjoining or to the opposite side of the road to the front and side of the site. Residential amenity can be affected in a number of ways. Any development project will produce noise and an element of disruption during the construction phase and this cannot be a determining factor in consider whether to grant planning permission: this is a matter controlled by legislation operated by the Head of Public Protection and Covid Recovery. There is also nothing to suggest the occupation of the new dwellings would cause any noise or activity beyond that typically found within a residential area. I note concerns raised in the representations that the removal of the existing trees would remove a source of noise suppression. Any such impact is likely to be negligible. Indeed, the Head of Public Protection and Covid Recovery raised no such concerns. It is also not considered the completed development would have any air quality implications for either existing residents or those occupying any new dwellings. On this basis I conclude that the proposal could accord with the requirements of Policy 12 of the adopted LDP and Policy 13 of the proposed LDP.

It is acknowledged that the existing adjacent residents have an established level of amenity. The window to window distance between the proposed dwellings on Tower Drive and the existing dwellings opposite is in excess of 25 metres in all cases and I am satisfied that no unacceptable intervisibility occurs. I am also satisfied that the limited upper windows proposed to the gables of the two dwellings adjoining McPherson Drive raise no window to window concerns and these windows, only one of which is to a habitable room, are set back around 16 metres from the side garden boundary to the opposite site of McPherson Drive. No privacy implications occur. To the northern boundary of the site, the adjoining houses are positioned at a higher level. Whilst the minimum 18 metres window to window is achieved in each case, the levels assist in ensuring that no unacceptable

overlooking or intervisibility occurs in any case. Views from the existing houses to the north will also be largely across the rooftops of the proposed houses rather than into gardens or window. The positioning of the open space adjacent to 2 McPherson Drive also ensures that no conflict with the existing balcony of this property occurs. I am further satisfied that the position of the new dwellings does not result in any potential for daylight or sunlight of these adjacent properties to be adversely impacted upon.

Overall, I am satisfied that the development embeds the principles of placemaking and safeguards the character and amenity of this residential area in accordance with Policy 1 of the adopted and proposed Local Development Plans and Policy 20 of the proposed Plan. A departure from the open space requirements set out within both the adopted and draft PAAN3 is justified.

Traffic, parking and road safety

I am principally guided by the advice from the Head of Service – Roads and Transportation. I note there is no objection in principle when assessing the impact on the local road network and road safety. There are also no objections to the access arrangements of the site or in respect of meeting the requirements of the Roads Development Guide. Adequate parking provision is made within the site for residents and visitors. Adequate visibility splays have also been demonstrated by the applicant. Matters in respect of the retention of visibility splays, parking space formation, space dimensions and proximity to junctions and the design calculations in for all retaining structures which are adjacent to roads can be addressed by condition. Other matters raised by the Head of Service - Roads and Transportation in respect of Road Construction Consent inclusive of the requirement for traffic calming to be incorporated into the development, impact on existing street lighting together with the requirement for a Road Bond are addressed via separate legislation.

A range of traffic and road safety concerns have been raised in the public objections, however the Head of Service – Roads and Transportation raises no concerns regarding any knock-on effect in respect of parking or traffic.

Transport and Connectivity

Buses serve Tower Drive, providing bus stops for local destinations with onward connections to Greenock, Port Glasgow and Glasgow. Gourock Town Centre inclusive of the railway station is also within a 20 minute walk of the application site and provides for direct rail services to Glasgow. Local facilities are provided in a small parade of shops on Tower Drive, a short walk from the site. I am therefore satisfied that the development is provided in an appropriate location within an established settlement accessible by means other than the private car. In addition, I consider it appropriate for a travel information pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes to be provided to the residents of the new dwellings. This can be addressed by condition. Overall, I consider there to be no conflict with the aims and objectives of Policies 10 and 11 of the adopted Plan and 11 and 12 of the Proposed Plan.

Flooding and Drainage

With respect to flooding and drainage, the applicant has submitted a flood risk assessment and drainage impact assessment in support of the application. The Head of Service - Roads and Transportation has considered flood risk and drainage impact issues and advises that she is content that there is no flood risk to the development or resulting from the development and that drainage can be satisfactorily addressed, subject to the use of appropriate conditions in respect of the final details. I am therefore satisfied that there are no flooding or drainage concerns and the proposals are therefore considered to accord with Policies 8 and 9 of the adopted Plan and Policies 9 and 10 of the proposed Plan.

Ecology

Considering ecology, I note that the site has no natural heritage or landscape designations. For non-designated sites Policy 33 of both the adopted and proposed Local Development Plans indicate that the siting and design of development should minimise adverse impacts on wildlife as well as being designed to conserve and enhance biodiversity. I also note the concerns raised regarding the impact on ecology within the site. The applicant has undertaken a bat survey in support of the proposal. The building is identified as having a low to moderate bat roosting potential and whilst bat activity was recorded around the building, no wall touching or approaches into the building were observed. The trees and associated features have also been assessed as being of negligible to low suitability for roosting bats. The applicant therefore considers that, in accordance with the Bat Conservation Trust good practice guidelines, no additional investigation is required for trees prior to felling. The Council's ecology advisor noted some minor concerns but concluded that that the desktop survey provided an appropriate level of background information; the dusk emergence and dawn surveys were carried out at a suitable time of the year, however due to Covid Restrictions, it was recognised that the number of visits was cut short; the daytime site inspection was equivalent to the BSPE "Preliminary Roost Assessment (PRA) survey"; the surveyors were suitably experienced in bat survey work and



The McPherson Drive elevation of the premises

a good number of surveys were used in order to view the whole of the buildings; and that the correct bat survey equipment was used. The Council's advisor went on to note the need for information on the suitability of the trees on the site for bat roosts. This has been provided by the applicant. It is further advised that the recommendation in the survey report that a licensed bat worker should provide a toolbox talk is vital. It should be made clear that bats could roost at any time of year in the building, and although none were found it is always a possibility. This can be addressed by condition. The Council's advisor goes on to recommend that site clearance must take place outwith the bird breeding season (March to August inclusive). Alternatively an experienced ornithologist must carry out nest checks prior to tree felling and vegetation removal. There is also the possibility of nests in and on the building. I am satisfied that this can be addressed by condition. Finally, the Council's advisor also states that it is strongly recommended that there is some incorporation of biodiversity enhancements into the design of the development although the advice is that this is not required as a planning condition, but it could be included as a recommendation. This matter can thus be

addressed by advisory note. The development of this brownfield site within the settlement boundary will not adversely impact on biodiversity and EPS and subject to appropriate conditions, the proposal is considered compliant with Policy 33 of both Plans in minimising adverse impacts on wildlife and habitats.

Local service capacity and infrastructure provision

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 responsibility for making these connections lies solely with the infrastructure providers and is separate from the planning application process. Whilst I note the concerns regarding the capacity of local healthcare provision, it is the responsibility of others to provide these services. The Head of Education notes capacity concerns with regard to denominational secondary education within the catchment with reference to potential large scale developments within the Local Development Plan for this catchment. This proposal together with other smaller developments may be an additional contributor, albeit small, to the wider capacity issues. In isolation, the Head of Education considers this development as low risk to school capacities due to the small scale and the application has to be determined on its merits in this regard.

Low carbon infrastructure

As an element of design, Policy 6 of the adopted LDP also seeks to ensure that all new buildings are energy efficient through the installation of low and zero carbon generating technologies and 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. Policy 6 of the proposed LDP reflects the updated position with a 20% requirement. This requirement can be addressed by condition.

Other matters raised in consultation responses

Considering the outstanding consultation responses, The Head of Public and Covid Recovery does not highlight any concerns over and above the standard need for site investigation associated with any brownfield site. Notwithstanding the applicant's submissions in support of the application, it is recommended that matters in respect of potential site contamination and Japanese Knotweed are addressed by condition. I am happy to take this approach to ensure that these are fully addressed. In this respect, I consider that the proposals comply with the requirements of Policy 16 of the adopted Plan and Policy 17 of the proposed Plan in respect of ground contamination being addressed. In respect of bin provision, the proposed site plan indicates this is accommodated within private garden areas. Matters relating to external lighting can be addressed by advisory note, noise from the construction site is addressed by the Head of Public Protection and Covid Recovery via separate legislation and compliance with the Building Scotland Regulations is a matter for the building warrant process.

Other issues

A number of other issues have been raised in the representations. The McPherson Centre is not a listed building nor is it located within a conservation area. Accordingly, the demolition of this building does not alone warrant the refusal of planning permission. The legal right to sell or redevelop any site is not a material planning consideration which can have any bearing on the assessment of the application nor can matters surrounding any sale price. Whilst I note concern that the building was upgraded a number of years ago, this is not material to the assessment of the application nor is the decision making process by the Council in how best to provide the support services the building previously offered. There is no Local Development Plan requirement for affordable housing or housing for varying needs to be provided on this site and matters relating to the provision of affordable housing relative to other developments in Gourrock are not relevant to this proposal. Policy 21 of the proposed Local Development Plan seeks the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. Whilst noting this requirement, considering the submission date of this proposal prior to the commencement of the preparation of

the proposed Local Development Plan, it would be inappropriate to introduce this requirement at such a late stage in the assessment. Whilst I note the points raised regarding possible alternative uses for the existing building on site, it is the submitted proposal that must be assessed.

Conclusions

In conclusion, the proposed redevelopment of this brownfield site within the settlement boundary and comprising a residential development opportunity within the proposed Local Development Plan comprises sustainable development and presents no conflict with the provisions of the adopted 2019 Inverclyde Local Development Plan and proposed 2021 Inverclyde Local Development Plan. A departure from the full requirement of both the adopted and draft PAAN3 in respect of open space provision can be justified. The application site is within an existing residential area and, subject to the appropriate use of conditions, the proposed development is acceptable in terms of design, density, access and parking provision, residential amenity, flooding and drainage and ecology. Whilst I am mindful of the objections received, there are no material considerations which suggest that planning permission should not be granted, subject to the conclusion of a legal agreement relating to the contribution towards off-site play provision and the conditions set out below.

RECOMMENDATION

That subject to the conclusion of a legal agreement relating to the contribution towards off-site play provision the application be granted subject to the following conditions:

1. That prior to their use on site, details of all external materials (inclusive of all walls, paving and hard surfacing) shall be submitted to and approved in writing by the Planning Authority. Development thereafter shall proceed utilising the approved materials unless an alternative is agreed in writing by the Planning Authority.
2. Notwithstanding the details set out on drawing 546.04.01a prior to the commencement of work on site the final details of a landscaping scheme and programme for completion shall be submitted to and approved by the Planning Authority. Development shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.
3. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
4. That details of maintenance and management for the landscaping approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
5. The hedge fronting McPherson Drive shall be retained as part of the development and prior to works commencing on site, protection measures for the hedge shall be erected to the satisfaction of the Planning Authority and not removed during the course of construction work.
6. That prior to each dwellinghouse hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
7. That within 4 weeks of the last of the dwellinghouses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.
8. That a visibility splay of 2.4m x 43m x 1.05m shall be provided the road junction with McPherson Drive and the new road within the development hereby permitted and be maintained and kept clear of obstruction at all times in the future to the satisfaction of the Planning Authority.

9. That the visibility splay of 2.0m x 20.0m x 1.05m shall be provided for all driveways within the development hereby permitted and be maintained and kept clear of obstruction at all times in the future to the satisfaction of the Planning Authority.
10. Driveway parking spaces shall be completed and available for use prior to the occupation of each associated dwellinghouse and visitor parking spaces shall be completed and be available for use prior to the occupation and completion of the final dwellinghouse. All parking spaces shall remain free from obstruction and available for use at all times thereafter. The visitor parking spaces shall be a minimum of 2.5m by 5m and driveway spaces shall be a minimum of 3m by 5.5m.
11. That the first 2 metres of all driveways shall be paved.
12. The driveway accesses of plots 10 and 11 shall be a minimum of 10 metres from the road junctions adjacent to the plots.
13. That all roads and footpaths shall have a gradient not more than 8% and all parking spaces (driveway and visitor) shall have a gradient of not more than 10%.
14. Any retaining walls of structures adjacent to the road or footways (new or existing) shall be subject to structural technical approval. Details of this shall be submitted to and approved in writing by the Planning Authority prior to the commencement of construction.
15. That all surface water run off shall be intercepted within the site both during construction and on completion of the development.
16. That prior to the commencement of works on site Scottish Water's approval of the drainage regime shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved drainage regime shall be fully implemented commensurately with the construction of the dwellinghouses hereby permitted and surface water run-off should be limited to that of Greenfield run-off to the satisfaction of the Planning Authority.
17. The recommendations in respect of the "toolbox talk" and requirements for future surveys set out in the "Discussion and Recommendations" section of the submitted Bat Roost Survey report by Tetrix Ecology dated 30th July 2020 shall be fully followed to the satisfaction of the Planning Authority.
18. That no site clearance works (building or trees and vegetation) shall be undertaken during the bird nesting season March to August inclusive unless first agreed in writing by the Planning Authority. For the avoidance of doubt, any such agreement will require a full nesting bird survey prior to the commencement of works on site, the methodology and findings of which shall be submitted to the Planning Authority.
19. That the dwellinghouse hereby permitted shall be designed to ensure that at least 15%, rising to 20% by the end of 2022 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, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the first house on site.
20. That no part of the development shall be occupied until the contents of the Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents.

21. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt; this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
22. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
23. That before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.
24. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
25. That each of the dwellinghouses hereby permitted shall be provided with an electric vehicle charging point prior to its occupation.

Reasons

1. To ensure the external materials are appropriate in the interests of visual amenity.
2. To ensure the provision of an appropriate landscaping scheme.
3. To ensure the retention of the approved landscaping scheme in the interests of visual amenity.
4. To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity.
5. To ensure the hedge to be retained is suitably protected during works on site.
6. To ensure the provision of acceptable safe access facilities during construction.
7. To ensure the provision of acceptable safe access facilities following construction.
8. To ensure that appropriate junction visibility splays are provided and maintained, in the interest of road safety.
9. To ensure that appropriate driveway visibility splays are provided and maintained, in the interest of road safety.

10. To ensure suitable parking provision for residents and visitors, in the interests of road safety.
11. To avoid deleterious materials being carried onto the road and footway, in the interests of road safety.
12. To ensure suitable separation between driveways and road junctions, in the interests of road safety.
13. To ensure suitable road, footpath and parking space gradients in the interests of road safety.
14. To ensure the safety of this section of the wall in the general public interest.
15. To avoid surface water run-off from the site in the interests of avoiding flooding.
16. To ensure the implementation of the drainage regime in the interests of avoiding flooding.
17. In the interests of the protection of European Protected Species.
18. In the interests of the protection of and avoidance of disturbance to nesting birds.
19. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
20. To encourage sustainable travel behaviour.
21. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
22. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
23. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interests of human health and environmental safety.
24. To ensure that all contamination issues are recorded and dealt with appropriately.
25. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.

Stuart W Jamieson
Interim Service Director
Environment and Economic Recovery

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

Report To: The Planning Board

Date: 2nd June 2021

**Report By: Interim Service Director
Environment and Economic Recovery**

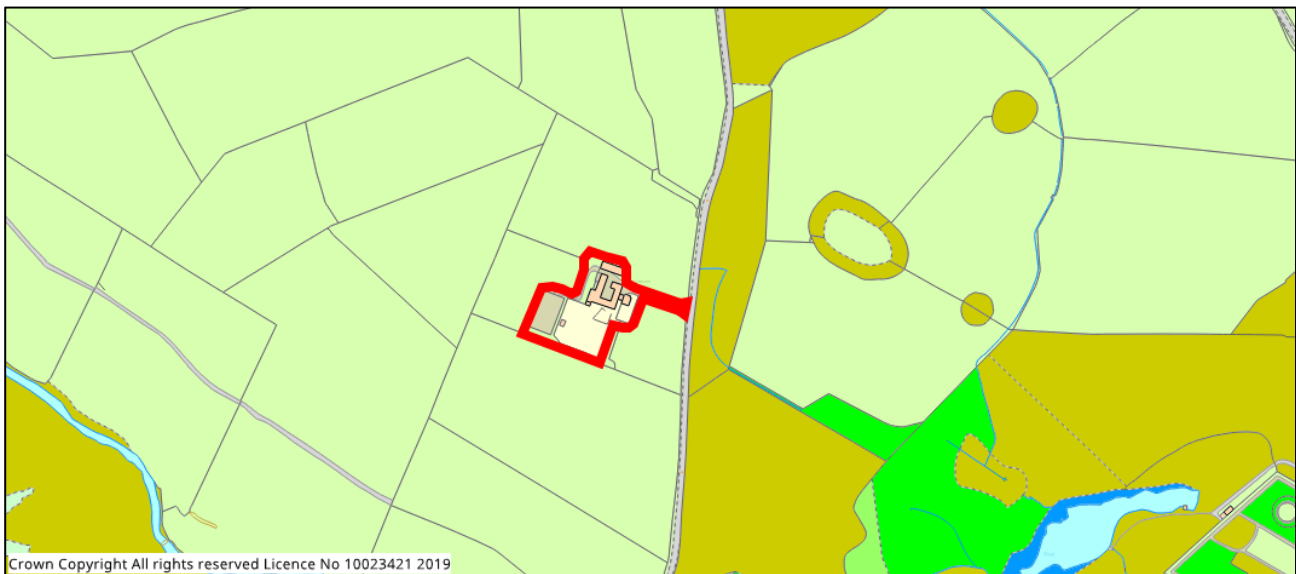
**Report No: 21/0071/IC
Plan 06/21**

**Local Application
Development**

Contact Officer: James McColl

Contact No: 01475 712462

Subject: External alterations and change of use of former farm outbuildings to forge with associated office and storage accommodation (amendment to planning permissions 18/0140/IC and 20/0275/IC in respect the provision of a replacement building to accommodate the forge) at Lawpark Farm, Stepends Road, Kilmacolm



SUMMARY

- The proposal is contrary to the adopted Inverclyde Local Development Plan and the proposed Inverclyde Local Development Plan
- There is one representation, in support of the proposal
- 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=QPUW2LIMLCR00>

SITE DESCRIPTION

Situated on the western side of Stepends Road, approximately 0.8 of a mile to the south of Kilmacolm, the application site comprises the steading at Lawpark Farm. The steading is formed by a dwellinghouse and a series of outbuildings, one of which is a Dutch barn. The steading is set back from the road by around 75 metres and accessed via an asphalt driveway. Externally the buildings are finished in stone and a slate roof, with the Dutch barn being finished in corrugated sheeting. The site is surrounded by open farmland. The nearest neighbouring residential properties are at Stepends Cottages, approximately 360 metres to the south.

PROPOSAL

In March 2019, the Inverclyde Local Review Body granted planning permission for the use of the Dutch barn as a forge and the use part of an adjacent stone outbuilding to the north-western corner of the steading for associated storage and office accommodation, together with associated external alterations to the buildings. A previously demolished lean-to extension on the west gable of the barn would be reinstated to provide welfare facilities. In January 2021, an amendment to the proposal to provide an alternative office and display area together with a bothy within the existing buildings on the north-eastern side of the steading was granted planning permission.

It is now proposed to remove the existing Dutch barn and erect a replacement building in the same position to accommodate the forge. It will be designed with a mono-pitch roof to a height of around four metres and be finished externally in green metal cladding. A door and two windows will be provided to the south-western elevation facing the rest of the steading and a roller shutter door to the north-west gable. These doors and window frames will be coloured grey as will two flue and ventilation terminals to the roof. The building will have an external footprint of around 140 square metres.

The applicant has submitted a letter in support of the proposal.

ADOPTED 2019 LOCAL 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 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

PROPOSED 2021 LOCAL 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 and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 15 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) within the curtilage of an existing use, which is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location. Proposals in the green belt must not undermine the objectives of the green belt as set out in Scottish Planning Policy and the Clydeplan Strategic Development Plan. Non-conforming uses will only be considered favourably in exceptional or mitigating circumstances.

CONSULTATIONS

None required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 2nd April 2021 as there are no premises on neighbouring land and as the proposal is contrary to the Development Plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

The Kilmacolm Civic Trust has intimated its strong support for the proposal and notes the following points:

- The proposal is entirely acceptable.
- The design of the building and internal layout appear very practical.
- The external colouring will blend with the surrounding farmland.
- The farming community will benefit as will potential customers seeking handmade practical and ornamental items, or repairs to them.

ASSESSMENT

The material considerations in determination of this application are the 2019 adopted Inverclyde Local Development Plan, the 2021 proposed Inverclyde Local Development Plan, the visual impact, impact on wider amenity, the planning history of the site, the applicant's supporting letter and the representation received in support of the proposal.

As planning permission has already been granted for the forge and associated ancillary accommodation and as these planning permissions remains extant, the principle of the use at this Green Belt location with reference to Policy 14 of the adopted Local Development Plan and Policy 15 of the proposed Local Development Plan may not be revisited in determining this application. It therefore rests to consider the amendments to the original planning permission with reference to both the above policies together with Policy 1 of the adopted and proposed Plans. In this respect Policy 1 of both Plans requires all development to have regard to the six qualities of successful places. The relevant factors in respect of this development contributing to the qualities of successful places are being "Distinctive" in reflecting local architecture and urban form together with being "Adaptable" and "Resource Efficient" in making use of and adapting existing buildings for a new use. Policy 14 of the adopted Plan and Policy 15 of the proposed Plan advise that development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with one of five criteria. Criterion (e) of both Plans relates to the intensification of an existing use of an appropriate scale and form within the same curtilage. Policy 15 of the proposed Plan additionally permits development in exceptional or mitigating circumstances.



View from Stepends Road

The applicant advises that since the previous granting of planning permission it has become apparent that the structure of the existing Dutch barn is not capable of being converted for the new use due to it being weak and due to the requirements of the Building Regulations. It is therefore now proposed to replace the building with a new structure. The applicant goes on to advise that it is no longer possible to purchase a new building of a Dutch barn style from suppliers and it would require to be a purpose designed building which is not financially feasible. Accordingly, an alternative design is proposed and it is considered that this mono-pitched shed will be in keeping with both the character of the steading and the rural location.

The steading at Lawpark Farm is set back around 75 metres from Stepends Road. I noted during a site visit that whilst the existing Dutch barn is clearly visible from the road, the position and topography does not result in it being a dominant feature within the landscape. It also views as a subsidiary feature to the other buildings within the steading. If the existing planning permission was

implemented, the open side of the barn would be infilled with cement fibre cladding and include a large roller door to the south-western elevation facing towards the rest of the steading. The alternative building now proposed not only has a smaller footprint than the existing building, it is also lower. I therefore consider that a lesser visual impact would result than if the existing planning permission was implemented. A variety of buildings are found within other farm steadings within the wider countryside and I consider the design to be acceptable in this context. Green is also an appropriate colour for the external cladding and the final shade can be controlled by condition. I therefore consider that the building is appropriately designed and located. No additional landscaping is considered necessary. Whilst the proposal does not accord with Policy 14 of the adopted Plan, I am mindful that if the original planning permission had been implemented and the use was now in operation, the current proposal would constitute the intensification of an existing use of an appropriate scale and form within the same curtilage. In this circumstance, this would be acceptable with reference to Policy 14 (criterion (e)) of the adopted Plan. Policy 15 of the proposed Plan takes the same position and additionally permits development in exceptional or mitigating circumstances. I consider that the circumstances surrounding the planning history of the site together with the extant planning permission combine to comprise mitigating circumstances allowing support for the proposal.

Turning to other material considerations, as was the case at the time of the original planning application, parking associated with the forge use of the site can be accommodated within the existing farm steading. The nearest neighbouring residential properties are at Stepends Cottages, approximately 360 metres to the south, and I do not consider there to be any additional potential to impact on residential amenity within the rural area. It was not previously considered that the proposed conversion works to the building, which is a single skinned, open sided, corrugated sheet building, raised any concerns regarding potential impact on European Protected Species or other ecology. Whilst the proposal will now result in the replacement of the building, there is nothing that leads me to conclude differently.

In conclusion, the principle of a forge at this Green Belt location is established by the previous granting of planning permission. If the original planning permission had been implemented and the use in operation, the current proposal would constitute the intensification of an existing use of an appropriate scale and form within the same curtilage. This would be acceptable with reference to (criterion (e)) of both Policy 14 of the adopted Plan and Policy 15 of the proposed Plan. Given these circumstances, a departure from Policy 14 of the adopted Local Development Plan can therefore be justified. I am also satisfied that the revised arrangement is acceptable with reference to Policy 1 of both Plans. Planning permission should therefore be granted subject to the condition set out below.

RECOMMENDATION

That the application be granted subject to the following condition:

1. That prior to use on site, details of the exact colour shade and specification of the external cladding to the building hereby permitted shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless otherwise first agreed in writing by the Planning Authority.

Reason

1. To ensure the colour and specification are appropriate for the rural location, in the interests of visual amenity.

Stuart W Jamieson
Interim Service Director
Environment and Economic Recovery

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

Report To: The Planning Board

Date: 2 June 2021

**Report By: Interim Service Director
Environment and Economic Recovery**

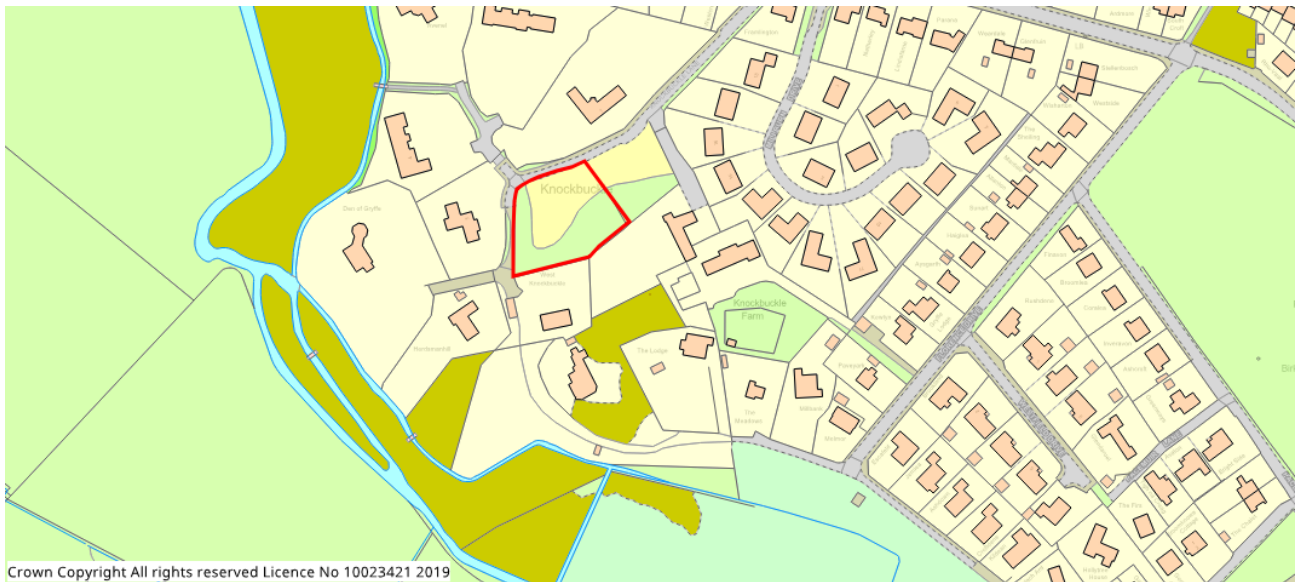
**Report No: 20/0246/IC
Plan 06/21**

**Local Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

**Subject: Detached garden room in garden grounds of existing dwelling house (in retrospect) at
6 Knockbuckle Lane, Kilmacolm**



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SUMMARY

- Planning permission was refused by the Planning Board at its meeting in February 2021.
- The applicant has appealed the decision to the Scottish Ministers and is seeking an award of costs.

Details of the appeal may be viewed at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121552>

INTRODUCTION

In February 2021 the Planning Board, following a site visit, decided to refuse planning permission for the siting of a detached garden room in the garden grounds of the existing dwelling house at 6 Knockbuckle Lane, Kilmacolm. The application was considered in retrospect. The reasons for refusal were:

1. The detached garden room contradicts Local Plan Policy 1 'Creating Successful Places – Safe and Pleasant', as the garden room's unexpected domineering position on the skyline detracts from the character of the area and does not integrate well with the surrounding development.
2. The steep access route to the garden room is unsafe in contradiction to the Local Plan Policy 1 'Creating Successful Places – Welcoming – make buildings legible and easy to access'.
3. The garden room has a detrimental impact on the amenity, character and appearance of the area contrary to Policy D 'Residential Areas' of the Council's Planning Policy Statement on 'Our Homes and Communities'.

NOTIFICATION OF APPEAL

Notification has been received that an appeal against the refusal of planning permission has been lodged with the Scottish Government. At the time of writing a Reporter has not yet been appointed to determine the appeal nor has the means by which the appeal is to be determined been clarified. The appellant has however confirmed that expenses are to be sought on the grounds that the Council has not determined the application on legitimate planning grounds.

Stuart Jamieson
Interim Service Director
Environment and Economic Recovery

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

Report To: The Planning Board

Date: 2 June 2021

**Report By: Interim Service Director
Environment and Economic Recovery**

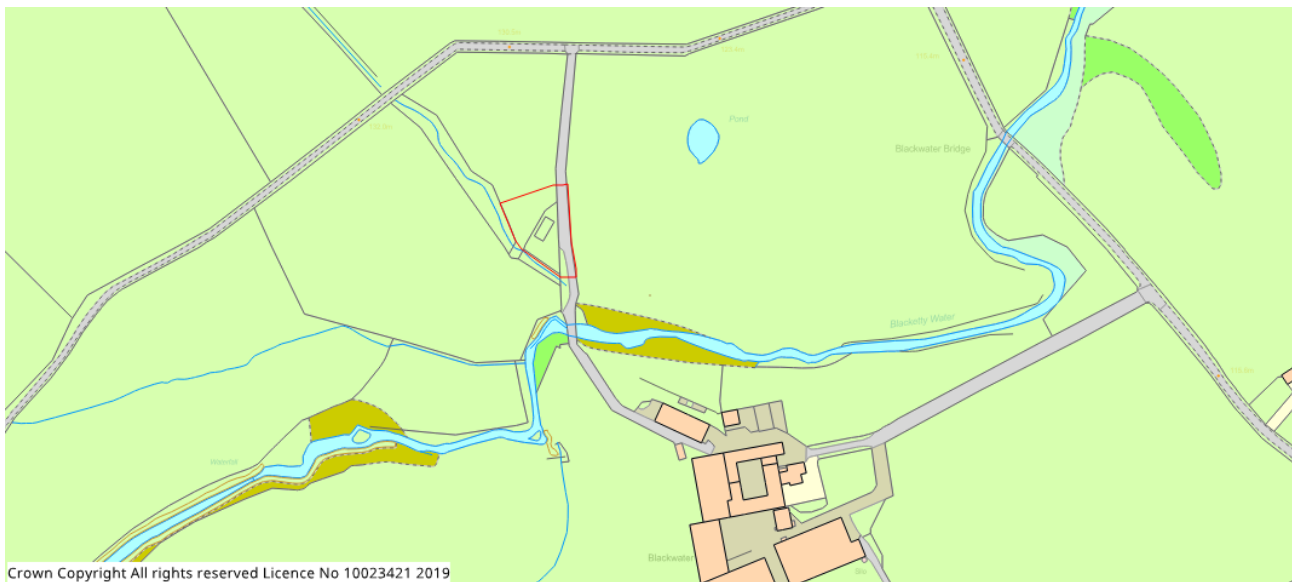
**Report No: 20/0038/IC
Plan 06/21**

**Local Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

**Subject: Notification of Appeal Decision: Non-compliance with condition 1 of planning application
16/0236/IC at
Blackwater Farm, Woodhead Road, Kilmacolm**



SUMMARY

- The planning application was granted by Inverclyde Council subject to a condition restricting the permission to a 3 year period
- The applicant appealed the decision to the Scottish Ministers
- The appeal was upheld and the condition removed, subject to the imposition of other conditions

Details of the appeal may be viewed at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121304>

INTRODUCTION

In September 2020 planning permission was granted for the continued siting of a holiday chalet at Blackwater Farm, Woodhead Road, Kilmacolm subject to the following condition with its associated reason:

That planning permission shall last for a period of 3 years from the date of this permission.

Reason:

The external condition of the chalet requires to be kept under review, as the building is temporary in nature, in the interests of the visual amenity of the countryside.

The Planning Board was notified of the appeal at its meeting in February 2021

NOTIFICATION OF APPEAL DECISION

The Reporter considered the determining issues to be compliance with the relevant provisions of the development plan, national planning circulars and visual amenity.

The Reporter concluded that the proposal is in accordance with the adopted Local Development Plan on the grounds that it is a holiday chalet which is acceptable in terms of a tourist development under Policy 27 and its location within the Green Belt under Policy 14.

With regard to the relevant planning circulars, in particular Circular 4/1998 in respect of the use of conditions, the Reporter concluded that the initial permission could be regarded as a “trial run” under which the Council was justified in adding a time restrictive condition to observe maintenance of the chalet. Given the good condition in which it has been kept she considers that a further temporary permission would be an unnecessary and ineffective burden on the applicant.

With regard to visual amenity, she considers the chalet to either not be visible or an unobtrusive built element, depending on the point of observation.

On other matters she noted the Council’s concerns about potential use of the property as a permanent residence but considered that she couldn’t address this through the appeals process. She noted comparisons made by the appellant to other chalets/mobile homes in the vicinity but considered these to be not sufficiently similar to represent a precedent.

The Reporter, however, did consider that as a new permission will result it is appropriate that some controls on the development by condition should be imposed. These are:

1. Details in accordance with the approved plans of the surfacing around the chalet and the access track to the chalet shall be submitted to and approved in writing by the Planning Authority within three months of the date of this notice.

Reason: To ensure that parking provision is provided on site to prevent parking on nearby road verges and in the interests of visual amenity.

2. That the holiday chalet shall be used in all time solely as a holiday chalet and not for any other purpose under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason: To prevent sporadic residential development in the countryside.

3. That should the use of the chalet as a holiday chalet cease, the building shall be removed from the site within three months and the ground re-instated within three months with a treatment to be approved in writing by the Planning Authority

Reason: To protect the visual amenity of the countryside.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Interim Service Director
Environment and Economic Recovery

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