

Ref: CM

Date: 27 August 2021

A meeting of the Planning Board will be held on Wednesday 1 September 2021 at 3pm.

Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Tuesday 31 August how they intend to access 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 for internal administrative use only.

ANNE SINCLAIR
Interim Head of Legal Services

BUSINESS

****Copy to follow**

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)	Dalglen (No. 1810) Ltd Proposed erection of Class 3 unit with ancillary drive thru and associated works: Ground at Arthur Street, Greenock (20/0106/IC)	p
(b)	Mr David Todd Proposed erection of detached house: Ardvaar, Wemyss Bay Road, Wemyss Bay (21/0132/IC)	p
3. (a)	Planning Appeals Report by Interim Service Director Environment & Economic Recovery intimating the outcome of a planning appeal at 6 Knockbuckle Lane, Kilmacolm (20/0246/IC)	p

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

Enquiries to – **Colin MacDonald** – Tel 01475 712113

Report To: The Planning Board **Date:** 1 September 2021

Report By: Interim Service Director **Report No:** 20/0106/IC
Environment & Economic Recovery **Plan 09/21**

Contact Officer: James McColl **Contact No:** 01475 712462

Subject: Proposed erection of Class 3 unit with ancillary drive thru and associated works at
Ground at Arthur Street, Greenock



The application may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=summary&keyVal=QAOHQAIMH6W00>

SUMMARY

- The proposal is contrary to the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Local Development Plan.
- No representations were received.
- The consultations present no impediment to development.
- The materials considerations justify a departure from Policy 25 of the adopted and proposed Local Development Plans.
- The recommendation is to GRANT SUBJECT TO CONDITIONS

SITE DESCRIPTION

Situated at Arthur Street, Greenock, the application site is an irregularly shaped area of ground extending to 0.37 hectares. It primarily comprises an area laid to grass which is currently unmaintained, together with a section of road which was truncated following historic road realignment work. Three trees are situated within the site. The site is largely flat and the irregular shape is compounded by the exclusion of two small sections, which comprise water and drainage infrastructure, from the application site boundary.

The site is located within a prominent position immediately to the south-west of the Cartsburn Roundabout which is situated on the main A8 Trunk Road. The location of the site is within a largely industrial area featuring a variety of office premises together with a hotel, the Royal Bank of Scotland Mortgage Centre, EE Customer Contact Centre, Royal Mail Delivery Centre and Ambulance Depot. Additionally, a small café lies to the south-west.

PROPOSAL

It is proposed to construct a Class 3 premises with drive thru facilities together with associated parking provision, landscaping and site infrastructure. Access will be taken from Cartsburn Street with the truncated section of Arthur Street being stopped up and an alternative three metre wide cycle path being provided. The proposed building will have an external footprint of around 280 square metres inclusive of attached walk-in fridge and freezer. It is designed with a flat roof generally to a height of around 6 metres and will be finished externally with a mix of glazing, cladding and render finishes. The drawings indicate that the building will sit to the northern side of the site, parallel to Rue End Street which forms part of the A8 Trunk Road.

A range of supporting documentation has been submitted including a planning statement, a transport assessment and associated technical note, site marketing report, and a flood risk assessment and drainage impact assessment inclusive of drainage strategy.

DEVELOPMENT PLAN POLICIES

2017 CLYDEPLAN STRATEGIC DEVELOPMENT PLAN

Policy 5 - Strategic Economic Investment Locations

The Strategic Economic Investment Locations (SEILs) set out in Schedule 3 and Diagram 4 are the city region's strategic response to delivering long-term sustainable economic growth.

To support the Vision and Spatial Development Strategy, Local Authorities should

- safeguard and promote investment in the SEILs to support their dominant role and function and to address the opportunities/challenges as identified in Schedule 3. This may include providing opportunities for the expansion or consolidation of these locations, where appropriate;
- identify the locations and circumstances when other uses commensurate to the scale of the SEILs non-dominant role and function will be supported. The Implementing the Plan and Development Management section of the Plan should be taken into account when considering non-dominant role/function uses within the SEILs.

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 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 22 - Network of Centres Strategy

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

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

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

Policy 25 - Business and Industrial Areas

Proposals for development within the business and industrial areas identified on the Proposals Map will be assessed against the following strategy:

Strategic Economic Investment Locations

Areas identified under 25(a) on the Proposals Map are promoted and safeguarded for business and financial services.

Inchgreen (25(b) on the Proposals Map) is promoted and safeguarded for the manufacture and maintenance of renewables and the provision of specialist marine services.

Strategic Freight Transport Hub

Greenock Ocean Terminal (25(c) on the Proposals Map) is safeguarded for freight transport and cruise liner activity.

Local Business and Industrial Areas

Areas identified under 25(d) on the Proposals Map are safeguarded for business, general industrial, and storage/distribution uses (Class 4, 5 and 6).

Other uses may be supported within areas 25(a)-(d) where it is clearly demonstrated that they:

- are ancillary to the safeguarded use
- will not prevent the future development of the site for the safeguarded use

Economic Mixed Use Areas

The areas identified as 25(e) on the Proposals Map will be safeguarded for business, general industrial, and storage/distribution uses (Class 4, 5 and 6); and other uses, which would either contribute to permanent employment creation or clearly support the operation of existing businesses.

Ports, Harbours and Docks

Port, harbour and dock facilities will be safeguarded from development that would adversely impact on their existing or potential maritime related use, except where the area has been identified for alternative uses by this Plan or associated Supplementary Guidance.

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. development would not result in a reduction in the overall quality of provision.

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 38 - Path Network

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.

Where applicable, development proposals will be required to provide new paths in order to encourage active travel and/or connectivity to the green 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.

PROPOSED 2021 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 3 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.

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:

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

The Council will support, in principle, the flood 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:

- 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
- 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 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 23 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 5 are within the network of town and local centres identified in Schedule 6. Proposals which accord with the role and function of the network of centres as set out in Schedule 6 and the opportunities identified in Schedule 7 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

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

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

Policy 25 - Business and Industrial Areas

Proposals for development within the business and industrial areas identified on the Proposals Map will be assessed against the following strategy:

Strategic Economic Investment Locations

Areas identified under 25(a) on the Proposals Map are promoted and safeguarded for business and financial services.

Inchgreen (25(b) on the Proposals Map is promoted and safeguarded for marine related business and industry.

Strategic Freight Transport Hub

Greenock Ocean Terminal (25(c) on the Proposals Map) is safeguarded for freight transport and cruise liner activity.

Local Business and Industrial Areas

Areas identified under 25(d) on the Proposals Map are safeguarded for business, general industrial, and storage/distribution uses (Class 4, 5 and 6).

Other uses may be supported within areas 25(a)-(d) where it is clearly demonstrated that they:

- a) are ancillary to the safeguarded use
- b) will not prevent the future development of the site for the safeguarded use

Economic Mixed Use Areas

The areas identified as 25(e) on the Proposals Map will be safeguarded for business, general industrial, and storage/distribution uses (Class 4, 5 and 6); and other uses, which would either contribute to permanent employment creation or clearly support the operation of existing businesses.

Ports, Harbours and Docks

Port, harbour and dock facilities will be safeguarded from development that would adversely impact on their existing or potential maritime related use, except where the area has been identified for alternative uses by this Plan or associated Supplementary Guidance.

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.

CONSULTATIONS

Transport Scotland - Following the submission of an additional Technical Note with further junction analysis, no objections to the proposal subject to the imposition of conditions relating to external lighting details and there being no connection to the Trunk Road drainage system.

Scottish Environment Protection Agency West – No objections.

Head of Service - Roads and Transportation – No objections. The following points are highlighted:

- Parking shall be provided in accordance with the National Guidelines for Class 3 – 1 space per 5sqm. The proposed development has 260sqm public floor space which requires 52 parking spaces including 4 disabled spaces.

The applicant has shown that the total number of spaces will be 56 spaces including 4 disabled bays. The parking provision is acceptable.
- Parking spaces should be 2.5m wide x 5.0m long with 6.0m aisle spacing.

- A plan should be provided to show how many vehicles can queue before it backs out into the car park and starts interfering with the operation of the car park and surrounding roads.
- The pedestrian access from East Stewart Street appears to have steps. This is not acceptable as those requiring wheeled access will not be able to use this.
- Cycle parking provision should be at a rate of 1 space per 100sqm for staff + 1 space per 100sqm for customers which would result in a need for 5 spaces. The applicant has shown that they have provision of 6 spaces, this is acceptable.
- The footway on Arthur Street between Cartsburn Street and East Stewart Street offers a route for pedestrians travelling to and from the town centre. It also forms part of NCN75. Therefore, a shared foot/cyclepath should be provided through the site (minimum of 3m wide). The applicant has shown they can meet this. A Stopping Up Order will be required to stop up this section of Arthur Street.
- As loading within the car park results in reversing manoeuvres it will need to be conditioned that deliveries take place either early morning/ late night or both.
- Initial concerns regarding the right turn ghost island from Cartsburn Street in to the development not having enough capacity and will cause vehicles to stack back and affect the operation of the junction with Arthur Street and could result in queuing back onto the A8. Following the submission of an additional Technical Note with further junction analysis, the junction analysis is acceptable.
- The FRA is acceptable.
- The FFL should be 600mm above the 1 in 200 year event.
- The existing manholes on the storm pipe will not be in the access road. These manholes and pipe may need strengthened and a structural report should be submitted for approval prior to works starting on site.
- Surface water flow routes to be submitted for approval prior to works starting on site.
- Drainage details and drainage strategy to be submitted for approval prior to works starting on site.
- 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.

Head of Public Protection and Covid Recovery – No objections. Conditions in respect of ground contamination and Japanese Knotweed, external lighting and bin provision are recommended.

PUBLICITY

The application was advertised in the Greenock Telegraph on 19th 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

No representations were received.

ASSESSMENT

The material considerations in the assessment of this application are national planning policy inclusive of Scottish Planning Policy (SPP), the 2017 Clydeplan Strategic Development Plan, the

adopted 2019 Inverclyde Local Development Plan, the proposed 2021 Inverclyde Local Development Plan, the visual impact, traffic implications, the consultation responses 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. Both Strategic and Local Development Plan policies are required to follow national policy.

Policy 5 of the Clydeplan Strategic Development Plan requires local authorities to safeguard and promote investment in the Strategic Economic Investment Locations (SEILs), to support their dominant role and function and to address the opportunities/challenges as identified in Schedule 3 to the policy. This may include providing opportunities for the expansion or consolidation of these locations, where appropriate, and to identify the locations and circumstances when other uses commensurate to the scale of the SEILs non-dominant role and function will be supported. The "Implementing the Plan and Development Management" section of the Plan should be taken into account when considering non-dominant role/function uses within the SEILs; this identifies "Strategic Scales of Development" (Schedule 14) and it is noted that the proposed development is not of a strategic scale. Consequently the impact of the proposal on the safeguarding and promotion of the dominant role and function of the SEIL requires to be assessed against the relevant policies of the Local Development Plan. Accordingly, for the purposes of the assessment, the development plan consists of the 2019 Inverclyde Local Development Plan. The 2021 proposed Local Development Plan is also a significant material planning consideration to which appropriate weight needs to be accorded.

The adopted and proposed Local Development Plans identify the site as a SEIL on the Proposals Map and Policy 25(a) of both Plans advises that such areas are to be promoted and safeguarded for business and financial services. Whilst a commercial development, the proposal is for a food and drink use rather than a business or financial services use. Policy 25 of both adopted and proposed Plans goes on to set out that other uses may be supported within areas 25(a)-(d) where it is clearly demonstrated that they are ancillary to the safeguarded use and will not prevent the future development of the site for the safeguarded use. A potential argument could be made that the proposal could act in an ancillary capacity in providing "support" to the business and financial services in providing food and beverage facilities. However, whilst the development would not prevent the future development within other parts of the SEIL, it would prevent the development of this particular site for the safeguarded use, in this case business and financial services. I therefore find the proposal to be contrary to both the adopted and proposed Local Development Plans.

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. A full assessment of all material planning considerations must be undertaken to determine whether there is any justification in respect of departing from the adopted and proposed Local Development Plans.

The land subject of this application originally formed part of the Cartsburn Enterprise Zone which covered an extensive area centred around a former shipyard and engine works. The development concept for this Enterprise Zone was based on an industrial and office development set within an open landscaped industrial park for larger occupiers. The site as it is today was formed following road realignment within the Enterprise Zone which resulted in an extension of Cartsburn Street to join a new roundabout on the Trunk Road and the associated truncating of Arthur Street. The SEIL largely follows the boundaries of the former Enterprise Zone.

In the supporting planning statement, the applicant highlights that the site was previously owned by Scottish Enterprise and that there was very limited, if any, development interest in the site during their ownership, despite being extensively marketed. Whilst the applicant provides no evidence or verification of the marketing campaign and associated lack of interest in the site during Scottish Enterprise's ownership, there is no dispute with the fact that Scottish Enterprise subsequently disposed of the site by way of auction. The applicant further highlights the generous supply of business and industrial development land within Inverclyde and the limited take-up of this land. There is also no dispute that the site is listed on the vacant and derelict land register and has been vacant for an extended period of years with no previous submitted planning applications for development proposals. The applicant confirms that since the purchase of the site at auction, a renewed marketing campaign has been undertaken. A limited amount of evidence is provided as to what this campaign entailed although it is accepted that the site has been promoted on online platforms such as CoStar and via a board placed on site. The marketing report advises that there has been no development interest for industrial or business class uses. It subsequently goes on to advise that five different property consultants, all acting on behalf of different national drive thru operators, confirmed they were keen to bring their client's brand, product and associated jobs to Greenock, although again fully documented evidence of this is provided.

In further support of the proposal, the applicant's planning statement indicates that up to 50 jobs could be created by developing this otherwise vacant site with little development interest. Whilst without a specified operator it is difficult to put an exact figure on the likely number of full time equivalent jobs created, there is no dispute that such a development will bring employment, contribute positively to the local economy and support the recovery from the challenges of the Covid-19 pandemic. Whilst being located within the SEIL, the limited size of the site means that a business or financial services development of a similar size and scale to that found within the adjacent area could not be accommodated on the site. Whilst a modest office development or small development of business units could potentially be located on the site, the applicant's advice together with the long term vacancy of the site leads me to conclude that there is clearly limited potential for such a development being taken forward. The Class 3 drive thru development would also have no adverse impact on the function or operation of either the wider SEIL or the adjacent business and industrial area. Furthermore, it will remove a comparatively neglected, vacant site in a prominent location. This, together with the economic benefits that could result from developing the site lead me to conclude that, in principle, a departure from the requirements of Policy 25(a) can be justified.

Sequential assessment to site selection and impact on the existing network of centres

In further considering the principle of the development, the proposal is for a Class 3 use and this is a town centre use listed under Schedule 6 of the adopted Local Development Plan for which the preferred location is within the network of centres identified under Schedule 7. Proposals for Schedule 6 uses outwith the network of centres will only be supported if it can be demonstrated that: there is not a suitable sequentially preferable opportunity; there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and there are clear community or economic benefits that can be best achieved at the proposed location. The applicant's supporting statement sets out the sequential approach to site selection in respect of the proposed Class 3 use. Each of the development opportunities within the Network of Centres as set out within Schedule 8 of the adopted Local Development Plan are assessed. These are identified as being unsuitable for a variety of reasons including being too small to accommodate the development, not adjacent to an arterial route in respect of the drive thru element, being located within an isolated location more suited to serving local needs and not being compatible with adjacent uses. I do not disagree with the applicant's conclusions in respect of these sites being unsuitable for the proposed development. Whilst additional opportunities not considered by the applicant are listed in the proposed Local Development Plan, I do not consider that any of these would be suitable for the proposed development. In addition, the applicant highlights that a wider review of all available sites/buildings located within Greenock, Port Glasgow and Gourock has been carried out with no suitable properties identified.

I agree with the applicant's conclusions in this respect and I do not consider that any suitable sites exist within any of the local shopping centres not analysed by the applicant. This particular proposal includes a drive thru facility, the nature of which requires an accessible location and direct vehicular access to the restaurant. As this form of Class 3 development is likely to generate significant travel demand, it requires to be located to take advantage of the existing road network. For this type of Class 3 use, town centres will not therefore necessarily be the most appropriate location and drive through restaurants are therefore not typically associated with traditional town centre locations. I am therefore satisfied that there are no suitable sequentially preferable sites for this development (criterion (a) of Policy 22 of the adopted Plan).

Considering the potential impact on the existing network of centres, the proposal is of a relatively modest scale and the drive thru element will primarily be aimed at those passing on the trunk road network who may not otherwise visit a premises within the network of centres located off the trunk road. Other similar uses also exist outwith the network of centres without apparent detriment (criterion (b) of Policy 22). The economic benefits of the proposal are set out above and these can be best achieved at this location (criterion (c)). Policy 23 of the proposed Plan reflects the position of Policy 22 of the adopted Plan.



Looking north-west from Cartsburn Street

Design and layout

Turning to the form of the proposed development, 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 (changed to "respect landscape setting and character, and urban form" and "reflect local vernacular/architecture and materials" in the proposed Plan) "Resource Efficient" in incorporating low and zero carbon energy-generating technology; "Easy to Move Around" by being well connected, with good path links to the wider path network, public transport nodes and neighbouring developments and recognising the needs and cyclist and pedestrians; "Safe and Pleasant" by avoiding conflict between adjacent uses and minimising the impact of traffic and parking; and "Welcoming" by making buildings legible and easy to access.

The site is situated in a prominent position on a main transport route. It is laid to grass which is currently not maintained and this results in a poor appearance. The proposed building is of a modern

design not uncommon with Class 3 drive thru type developments. It will be located within a mixed area including small business units, office facilities, hotel and large customer contact centre and the development will not appear as a feature which is out of place in the wider streetscape. Whilst the building is positioned to the north of the site adjacent to the Trunk Road, this allows much of the parking to be positioned in such a way that it is not an over dominant feature from the principal vantage points. The drawings indicate an element of soft landscaping is proposed around the site. The submission of a full landscaping strategy to ensure an attractive setting for the development can be addressed by condition. The three trees on the site are not indicated to be retained and the proposed layout does not allow retention. They are, however, not large mature trees and any visual impact from their loss would be minimal and localised. Replacement planting can be sought via the landscaping strategy. There is thus no conflict with Policy 34 of the adopted Plan and Policy 35 of the Local Development. Whilst the site is currently an open area, the grass finish simply provided for the treatment of the site pending any forthcoming development proposals. There is nothing that suggests that the site was laid out with the specific purposes of forming an area of open space and there is no conflict with Policy 35 of the adopted Plan and Policy 36 of the proposed Plan. The proposal does not raise any concerns in respect of biodiversity or geodiversity although I consider it prudent to attach a condition in respect of a nesting bird check prior to the removal of the small trees should this occur in the nesting season. There is no conflict with Policy 33 of the adopted and proposed Plans.

Traffic, parking and road safety

Assessing the impact on the road network together with the proposed parking provision, servicing and site layout, the application is accompanied by a Transport Assessment. Following the submission of an additional Technical Note with further junction analysis, Transport Scotland raise no objections to the proposal subject to the imposition of conditions relating to external lighting details and there being no connection to the Trunk Road drainage system. The Head of Service – Roads and Transportation raised concerns regarding the junction into the site from Cartsburn Street and the impact on the adjacent road network. Following consideration of the additional Technical Note with further junction analysis, it was considered that the junction analysis is acceptable. Parking provision within the site is acceptable and the parking spaces and aisle spacing meet the requirements set out in the consultation response. Cycle parking provision is also acceptable. Whilst I note the point highlighted in respect of providing a specific plan showing how many vehicles can be accommodated within the drive thru lane, the proposed site plan in clear in respect of the position and length of the drive thru lane together with including an indicative indication on the accommodation of vehicles, and no specific concerns are raised in this respect. In respect of servicing, I note the points raised regarding loading within the car park resulting in reversing manoeuvres and that a requirement that deliveries take place early in the morning or late at night requires to be conditioned. In this respect, a condition requiring a full delivery management plan to be submitted and agreed can address this matter. The requirement for a stopping up order is noted and this matter can be addressed by the conclusion of such an order prior to issuing planning permission. The provision of the replacement foot/cycle path shown on the proposed site plan can be addressed by condition. I note concern regarding the use of steps on the pedestrian access from East Stewart Street, however, an alternative pedestrian access is available from Cartsburn Street adjacent to the entrance of the premises. Matters relating to the impact on the existing street lighting may be addressed by the Head of Service – Roads and Transportation via separate legislation.

Transport and Connectivity

The site is located in an accessible urban location with nearby bus stops providing for frequent services to a range of destinations. The site is also positioned on the core path network. 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. 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. With the alternative foot/cycle path proposed, the development does not have any adverse impact on the core path network and there is no conflict with Policy 38 of the adopted Plan and Policy 36 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 inclusive of SuDs strategy in support of the application. Having considered flood risk, SEPA offers no objections to the proposal. The Head of Service - Roads and Transportation has also considered flood risk and drainage impact issues and advises that the flood risk assessment is acceptable. She highlights that drainage details and drainage strategy require to be submitted for approval prior to works starting on site together with surface water flow routes. The proposed floor level accords with the requirements of the Head of Service - Roads and Transportation and this can be reinforced by condition. Overall, 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. A survey of existing manholes and pipes can also be addressed by condition. Subject to the imposition of conditions to address the details required prior to the commencement of works on site highlighted by the Head of Service - Roads and Transportation, I am 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.



Looking east from Arthur Street

Low carbon infrastructure

As an element of design, Policy 6 of the adopted Plan 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 Plan reflects the updated position with a 20% requirement. This requirement can be addressed by condition. The provision of electric vehicle charging facilities can also 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 urban development site. 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 floor plan indicates a rear service enclosure which will be able to accommodate bins although a condition can address this matter. Matters relating to external lighting are addressed by the condition required by Transport Scotland. No requirement is raised by the Head of Public and Covid Recovery in respect of full details of the disposal of cooking odours but it is acknowledged that there are no nearby residential properties.

Conclusions

In conclusion, Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is a site which resulted from road realignment works within the former Enterprise Zone. It is one which has been vacant and included on the vacant and derelict land register for an extended period of time. The limited size of the site also means that a business or financial services development of a similar size and scale to that found within the adjacent area could not be accommodated. Despite being situated within the SEIL, the Class 3 drive thru development would have no adverse impact on the function or operation of either the wider SEIL or the adjacent business and industrial area. It will also remove a comparatively neglected, vacant site in a prominent location. Such a development would also will bring employment, contribute positively to the local economy and support the recovery from the challenges of the Covid-19 pandemic. Drawing all of this together, I am led to conclude that the material considerations justify a departure from Policy 25(a) and the adopted and proposed Local Development Plans.

Furthermore, whilst the proposal is for a Class 3 use, there are no sequentially preferable sites for this use and it is accepted that the drive thru element requires an easily accessible position. There is no conflict with Policy 22 of the adopted Plan or Policy 23 of the proposed Plan. The form and appearance of the development are considered appropriate and having fully assessed the proposal inclusive of implications for traffic, parking, flooding and drainage, the development is considered appropriate and to present no conflict with the relevant policies which address these matters in either the adopted or proposed Local Development Plans. The proposal is also considered acceptable with reference to Policy 1 of both the adopted and proposed Local Development Plans. Having also 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. There are no other material considerations which suggest the application should not be granted subject to the conditions below following the conclusion of a stopping up order for the section of Arthur Street within the site.

RECOMMENDATION

That subject to the conclusion of a stopping up order for the section of Arthur Street within the site 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. That prior to the commencement of work on site full details of a landscaping scheme and programme for completion shall be submitted to and approved by the Planning Authority.

Development shall then proceed as approved unless any alternative is agreed in writing by the Planning Authority.

3. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
4. That details of maintenance and management for the landscaping approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
5. That prior to the commencement of works on site, full details of the drainage regime and strategy together with surface water flow routes and future maintenance shall be submitted to and approved in writing by the Planning Authority. The approved drainage regime shall then be fully implemented prior to the commencement of the Class 3 use hereby permitted and subsequently maintained as approved at all times thereafter to the satisfaction of the Planning Authority.
6. That prior to the commencement of works on site a structural survey shall be undertaken in respect of existing manholes and pipes within the site and full details of any strengthening together with programme for completion of such works will be submitted to and approved in writing by the Planning Authority.
7. For the avoidance of doubt the floor level of the building hereby permitted shall be 600mm above the 1 in 200 year event as detailed in the submitted flood risk assessment.
8. The car park area shall be completed and available for use by patrons prior to the commencement of the Class 3 use hereby permitted and shall then be retained and available for use at all times thereafter, to the satisfaction of the Planning Authority.
9. Prior to the commencement of works on site, a Delivery Management Plan shall be submitted to and approved in writing by the Planning Authority. All deliveries and other servicing of the site shall then be undertaken in accordance with the approved plan at all times thereafter.
10. That prior to the commencement of works on site, details of how access to Core Path 57A and its retention during the works shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.
11. That prior to the commencement of works on site the programme for the completion of the new foot/cycleway within the site, together with future maintenance arrangements, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved and the approved maintenance arrangements shall commence on completion of the new foot/cycleway.
12. Prior to the commencement of the development, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
13. There shall be no drainage connections to the Trunk Road drainage system.
14. 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.

15. 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.
16. 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.
17. 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.
18. That the building 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 commencement of construction.
19. That prior to the commencement of works on site, details of electric vehicle charging provision to be installed also prior to the commencement of the Class 3 use hereby permitted shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.
20. If the existing trees are to be removed during the bird nesting season March to August shall be preceded by a nesting bird survey the methodology and findings of which shall be submitted to the Planning Authority.

Reasons

1. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
2. To ensure the provision of an appropriate landscaping scheme.
3. To ensure the retention of the approved landscaping scheme in the interests of visual amenity.
4. To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity.
5. To ensure the adequacy of the drainage regime for the application site.
6. To avoid damage to existing infrastructure.

7. In the interests of flood protection.
8. To ensure suitable parking provision for staff and customers, in the interests of road safety.
9. To ensure safe servicing arrangements for the site.
10. To ensure retention of the Core Path route during works.
11. To ensure retention and maintenance of the Core Path route on completion of works.
12. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
13. To ensure that the efficiency of the existing drainage network is not affected.
14. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
15. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
16. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
17. To ensure that all contamination issues are recorded and dealt with appropriately.
18. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
19. In the interests of sustainable development.
20. In the interests of the protection of nesting birds.

Stuart Jamieson
Interim Service Director
Environment & 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: 1 September 2021

Report By: Interim Service Director
Environment & Economic Recovery

Report No: 21/0132/IC
Plan 09/21

Local Application
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

Subject: Proposed erection of detached house at
Ardvaar, Wemyss Bay Road, Wemyss Bay.



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SUMMARY

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Nine objections have been received raising concerns over access and parking, design, flooding and drainage and impacts on streetscape and neighbouring Listed Building.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=summary&keyVal=QRWVYPIMMM600>

SITE DESCRIPTION

The application site comprises an area of garden ground which covers the south-eastern portion of the property known as "Ardvaar", on the northern-eastern side of Wemyss Bay Road, Wemyss Bay. Ardvaar covers approximately 0.32 hectares and consists of a two storey detached dwellinghouse with a double garage positioned to the rear of the building, both contained within the north-western portion of the curtilage. The dwelling is finished with a grey slate roof; white uPVC windows; black fascia and rainwater goods; and white render walls, with decorative buff blocks of varying sizes in use under the front window and for the chimney and entrance on the east side elevation. Similar materials are used on the garage.

The application site contains an area of hardstanding topped with gravel on the south-eastern side of the dwellinghouse, currently used for parking vehicles accessed via a gravel driveway at the south-east corner of the site, with the remainder of the site being largely covered with grass. Boundary treatments include a brick wall approximately 1.2 metres in height along Wemyss Bay Road, with a timber frame fence and hedging along the south-east boundary and larger hedges along the rear, north-east boundary. A number of mature trees are located around the north-east site boundary.

The application site is located on a south facing slope, which steepens towards the rear of the site, with a front garden gradient of approximately 1 in 60 and a rear garden gradient of approximately 1 in 20, increasing to as steep as 1 in 3 at the rear boundary.

PROPOSAL

Planning permission is sought to subdivide the existing grounds at Ardvaar and for the erection of a detached bungalow. The proposed dwellinghouse is to be located on the south-east side of the existing two storey dwellinghouse at Ardvaar and will be set within a plot covering approximately 1500 square metres, being set back from the front boundary by approximately 22.5 metres. The proposed dwellinghouse is to cover a footprint of approximately 150 square metres with the floor level matching the ground floor level of the existing two storey dwellinghouse. An offset 'T' shaped pitched roof of around 30 degrees is proposed, giving the proposed dwellinghouse a total height of approximately 5.9 metres. It is to be finished in dark grey concrete tiles; white render walls with a dark grey base course and some feature cladding panels at roof level on the sides and between two rear windows; and grey uPVC doors and windows.

The proposed dwellinghouse is to be set back from the south-eastern side boundary by approximately 4 metres. A detached garage is proposed along the south-eastern boundary; set approximately 5.8 metres behind the rear building line, with the side wall between 0.6 and 0.8 metres from the boundary. The garage is proposed to contain a pitched roof with a side facing gable. It is proposed to have a front and rear facing pitched roof, with a ridge height of approximately 3.9 metres. It is also proposed to be finished with a dark grey concrete tile roof; white render walls; and a grey garage door to match the materials and finishes on the proposed dwellinghouse.

Access is to be taken from the existing access point on Wemyss Bay Road, with parking space for 3 cars to be provided within the curtilage between the rear of the proposed dwellinghouse and the front of the proposed garage. A new access is proposed to be formed for the existing dwellinghouse to the west of the site boundary, however these works can be carried out as permitted development and do not require assessment as part of this application.

DEVELOPMENT PLAN POLICIES

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:

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

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

Policy 9 – Surface and Waste Water Drainage

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

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

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

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

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

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

Policy 10 – Promoting Sustainable and Active Travel

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

- 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
- 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 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.

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

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.

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:

- a) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- b) 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 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 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.

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

CONSULTATIONS

Head of Service – Roads and Transportation – Comments were received as follows:

- Parking should be provided in accordance with the National Guidelines. The proposed development consists of a 2 bedroom dwelling that requires 2 spaces.
- Each space on the driveway shall be a minimum of 3.0m by 5.5m. The driveway is suitable to meet 2 spaces.
- For the garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m. The applicant should demonstrate that this is achievable.
- The driveway and garage access should be paved for a minimum distance of 2.0m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%.
- The applicant has demonstrated that they can achieve a visibility splay of 2.4m x 20m x 1.05m. This is acceptable.
- All surface water should be managed within the site to prevent flooding to surrounding properties and the public road network.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.

Head of Public Protection and Covid Recovery – Comments were received as follows:

- The discovery of previously unrecorded contamination or Japanese Knotweed during site development works shall be brought to the attention of the Planning Authority, works shall cease immediately and the site made safe. Works shall not continue until a Remediation Scheme has been submitted to and approved, in writing by the Planning Authority. This is recommended to ensure that all contamination and Japanese Knotweed concerns are managed appropriately.
- The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place. This is recommended to protect the amenity of the immediate area and prevent the creation of nuisance due to odours, insects, rodents or birds.
- All external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy Consumption”. This is recommended to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations. This is recommended to ensure that acceptable noise and vibration levels are not exceeded.
- Advisory notes are recommended with regard to: site drainage; Construction (Design & Management) Regulations 2015 (CDM 2015); surface water; and the design and construction of buildings relating to gulls.

Transport Scotland – No objections.

Scotia Gas Networks (SGN) – An enquiry has been undertaken via ‘the line search before you dig’ portal which produced a map indicating that no gas pipelines intercept the application site.

The response noted that the plan provided only shows the pipes owned by SGN as a Licensed Gas Transporter (GT). Privately owned gas pipes or ones owned by other GTs may be present in the area and information regarding those pipes needs to be requested from the owners.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on the 21st May 2021 due to there being neighbouring land with no premises situated on it.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Eight representations were received from nine individuals objecting to the proposal. Concerns were raised as follows:

Access and Parking

- The application form states there are no parking spaces located on the red line site, whilst there is parking for multiple vehicles on the existing hard standing.
- No details are indicated for the new access shown for Ardvaar. While the agent has stated it is not an access to a public road, this is not the case. Wemyss Bay Road is not adopted but it is a very well used 'public' road. The new access forms part of this application and the red line needs to include the new access.
- Concerns over additional traffic created by the development.
- Concerns over the provision of an additional entrance onto the unadopted road.

Design and Visual Impact

- The Victorian buildings along Wemyss Bay Road are of historic importance to Inverclyde. The buildings have connections to some of Scotland's important families and the neighbouring Dunloe House has a further connection to Charles Rennie Mackintosh.
- Concerns over the development being so close to Dunloe House. Dunloe House plans were drafted by Mackintosh and the house is considered to be a formative influence on his design style. The house proposed is of poor quality design and far too close to the mansion house, spoiling its setting.
- The proposed standard bungalow is of poor design quality and is neither sympathetic to the prominent coastal location nor more importantly the setting of the listed building.
- Concerns that the siting and design of the property will negatively affect the character of the road. The character of Wemyss Bay Road is defined by large properties set back in large gardens creating an arc back from the road. This development spoils the character of the street, creating visual incongruity and unacceptable proximity to the front of the neighbouring B listed building, notably in relation to materials used and architectural style.
- Concerns over a lack of supporting information to support the design, siting and materials proposed.
- The development's visual intrusion could be mitigated by relocating the development back to the property line and part burying the property below the ground level.
- The proposed detailing should enhance the existing shore road elevation.

Flooding and Drainage

- Lack of SUDS on the application is contrary to planning policy.
- Concerns over flood risk as the form states no risk when the SEPA website and flood maps show medium risk for coastal flooding and surface water.
- Concerns over lack of drainage assessment.
- Concerns over the proposal diverting surface water onto neighbouring properties.

Procedural Concerns

- Inaccuracies over tree declaration as there are trees and hedging at the site boundary.
- Concerns over a lack of information provided.
- The planning portal shows no consultation responses from Historic Environment Scotland, SEPA, Council, Drainage and Highways.

Other Concerns

- Potential restrictions contained with the title deeds that prevent the construction of buildings in this area.
- Concerns that the development will set a precedence that will destroy the historic frontage by further development.

ASSESSMENT

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); the adopted Planning Application Advice Notes (PAAN) 2 on “Single Plot Residential Development” and (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development”; draft Planning Application Advice Notes (PAAN) 2 on “Single Plot Residential Development” and (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development”; the consultation responses; and the representations received.

The proposal is located within an existing residential area where Policy 1 of the adopted Plan and Policies 1 and 20 of the proposed Plan are applicable. The proposal is for a new dwellinghouse, therefore Policy 6 in both LDPs and Policy 18 in the proposed LDP require consideration. As the proposal is to be located in the proximity of a category ‘B’ listed building, Policy 29 in both LDPs is applicable. Policy 8 of the adopted Plan and Policy 9 of the proposed Plan are relevant in terms of potential flood risk. Policy 9 of the adopted Plan and Policy 10 of the proposed Plan require to be considered in terms of drainage impact. As the proposal will generate demand for traffic and parking, and future sustainability requirements with regard to car use are applicable, Policies 10 and 11 of the adopted Plan and Policies 11 and 12 of the proposal Plan are also relevant.

Policy 18 of the proposed Plan states that 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 are to be assessed against the relevant Supplementary Guidance.

Policy 1 in both LDPs requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which the adopted and draft PAANs 2 and 3 are relevant to this proposal. The relevant qualities in Policy 1 are being ‘Distinctive’, ‘Resource Efficient’, ‘Safe and Pleasant’ and ‘Welcoming’. The factors relevant to the proposal meeting the quality of being ‘Distinctive’ in the adopted LDP are to reflect local architecture and urban form and contribute positively to historic buildings and places. In Policy 1 of the proposed LDP, the relevant factors to meeting the quality of being ‘Distinctive’ are whether the proposal respects landscape setting and character, and urban form; reflects local vernacular/architecture and materials; and contributes positively to historic buildings and places. The relevant factors of being ‘Resource Efficient’ in both LDPs are making use of existing buildings and previously developed land and incorporating low and zero carbon energy-generating technology. The relevant factors of being ‘Safe and Pleasant’ in both LDPs are whether the proposal avoids conflict with adjacent uses and minimises the impact of traffic and parking on the street scene. The relevant factors of being ‘Welcoming’ in both LDPs are integrating new development into existing communities and making buildings legible and easy to access. Additionally, Policy 20 of the proposed LDP requires the proposal to be assessed with regard to its potential impacts on the amenity, character and appearance of the area.

In terms of impacts on the amenity of neighbouring properties, I will consider the guidance given in the adopted and draft PAANs 2 and 3. Both PAAN 2s state that infill plots will be considered

with reference to those in the locality relating to plot size, proportion of built ground to garden ground, distance of the building to garden boundaries, established street front building line, building height, roof design and use of materials and colours. Windows should comply with the window intervisibility guidance and side facing windows should be avoided, with the exception of bathroom windows fitted with obscure glazing, or where appropriate boundary screening is provided. On site car parking should also be provided in accordance with the National Roads Development Guide, to levels comparable with the established street pattern and be capable of being implemented without detriment to road safety.

With respect to the adopted and Draft PAAN3, the proposal is considered as small scale single plot infill development. Both PAAN3s state that for small scale infill developments, new development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. In all instances the minimum window to window distances should be achieved.



The site as viewed from Wemyss Bay Road

The existing building pattern on Wemyss Bay Road is characterised by a variety of styles of dwellings ranging from large detached villas set in substantial plots, to flats and buildings of a more modern and contemporary design in smaller plots. The subdivision of the plot will result in two plots which are still reasonably large in size, covering approximately 1700 and 1500 square metres respectively. In terms of built ground to garden ground, the house and garage combined will cover approximately one-eighth of the site, which can be considered acceptable relative to neighbouring properties in terms of built ground to garden ground ratios.

The proposed dwellinghouse sits roughly in line with the neighbouring dwellings to the north-west at Fresh Creek and Ardvaar and will have similar distances to front and rear plot boundaries. The proposed house will sit considerably closer to the road than the buildings to the east, which contain substantial front gardens, with set-back distances of almost 100 metres, resulting in the neighbouring buildings to the east being further set-back from Wemyss Bay Road than the rear of the application site and neighbouring sites to the west. The relationship between these older, significantly recessed buildings and those more recent houses nearer to Wemyss Bay Road is an established characteristic of the townscape and the streetscene. Furthermore, whilst the proposed house in question will be considerably closer to the road than the neighbouring buildings to the east, it will recognisably be contained within the existing grounds of Ardvaar and be directly identified with it rather than the properties to the east.

In considering building height, the proposed dwellinghouse is to be single storey and notably lower in height than Ardvaar, however it will be similar in height to Fresh Creek, which is also a single storey detached dwelling to the north-west of Ardvaar. The roof design is similar to that of Ardvaar to the front, comprising a front and rear facing pitched roof. The choice of finishes for the walls and roof of the proposed dwellinghouse are similar to those seen on Ardvaar, however I note that the exact finishes have not been specified. This matter can be addressed by condition. I note the use of contemporary materials on the building, particularly for the windows, doors and decorative panelling. Whilst these features are not replicated on the neighbouring properties, I note that the buildings along Wemyss Bay Road are all unique in terms of design and decorative features, with a range of materials and finishes existing along the frontage. Taking this into consideration, I consider that the proposal is acceptable with regard to the established character of the area and can be considered visually acceptable. All windows meet the window to window distances shown in both PAAN 3s. Based on the above assessment, I conclude that the proposal raises no conflict with regard to the aims of both PAAN 3s.



The application site as viewed from in front of Dunloe House, with the site being located on the right of the row of boundary hedging.

It stands that the proposal meets the quality of being 'Distinctive' in Policy 1 of both LDP's and will have an acceptable impact on the character and appearance of the area (Policy 20). Further consideration is required regarding the impact on the setting of the neighbouring category 'B' listed building (Policy 29). I shall assess this against the guidance given in the "Managing Change in the Historic Environment" guidance note on 'Setting'. The guidance note identifies a number of factors to be considered in assessing the impact of a change on the setting of a historic asset or place. Those relevant to this application are whether key views to or from the listed building are interrupted; whether the proposal would dominate or detract in a way that affects our ability to understand and appreciate the historic asset; and the visual impact of the proposal relative to the listed building.

The adjoining listed building at Dunloe contains a large front garden, with the building being set back from Wemyss Bay Road by just under 100 metres and it sits in a substantially recessed position from Wemyss Bay Road relative to the existing dwellinghouse at Ardvaar. The

properties along Wemyss Bay Road sit on a gradient of around 1 in 20 which will result in the listed building being elevated relative to the proposed dwellinghouse by around 4 metres. The proposed dwellinghouse is to be around 73 metres from the listed building at its closest point, with the rear garage being slightly closer at around 59 metres. To the rear of the application site lies a bank of mature trees, which sits forward of the listed building relative to Wemyss Bay Road and clearly separates the two sites. I note that the front garden of the listed building contains an established level of planting around its boundaries, which clearly frame the garden and focus views from the listed building down the length of the garden towards the Firth of Clyde and not towards the application site. This is further emphasised by the bank of mature trees to the rear of the application site.

In considering the impact on the setting of the listed building, I note that the proposal is not sited within its grounds and is clearly contained within a separate curtilage. The proposal will be most notably visible in context of the listed building from Wemyss Bay Road in front of the application site, however the scale and position of the proposal means that it will not create a direct visual obstruction of the listed building from the listed building's own curtilage street frontage. I am satisfied that the proposal can be implemented without key views to or from the listed building being interrupted and that the scale and position of the proposal will not dominate or detract from its historic value. It stands that the proposal can be considered acceptable with regard to the "Managing Change in the Historic Environment" guidance note on 'Setting'. The proposal can therefore be considered acceptable with regard to Policy 29 of both LDPs.

With regard to Policy 8 of the adopted LDP and Policy 9 of the proposed LDP, part of the site is shown on SEPA's flood maps as at risk of surface water flooding. I note the concerns raised over potential coastal flooding, however I also note that SEPA's flood maps indicate that no part of the site is at risk of coastal flooding, with the maps showing only areas on the coastal side of Wemyss Bay Road as being at risk. In assessing concerns over surface water issues, the Head of Service – Roads and Transportation, within her capacity as Flooding Officer, raises no objections in respect of the site itself or the surrounding land but has requested a condition be placed on the granting of any consent for all surface water to be managed within the site to prevent flooding to surrounding properties and the road network. I concur with her recommendation and am satisfied that this matter can be addressed by means of condition. On this basis I conclude that the proposal accords with adopted LDP Policy 8 and proposed LDP Policy 9.

In considering the impacts of the proposal on drainage, I note the concerns raised in the objections over a lack of a drainage assessment and a lack of Sustainable Drainage System (SuDS) details on the application form. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP give consideration to drainage, stating that new 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. As the proposal is for a single dwellinghouse, the provision of SuDS details is not required under these Policies. The Head of Service – Roads and Transportation, within her capacity as Flooding Officer, has confirmed that the proposal does not raise concerns that would require a Drainage Impact Assessment to be provided. As such, I am satisfied that the proposal presents no conflict with adopted LDP Policy 9 or proposed LDP Policy 10.

With regard to Policy 11 of the adopted LDP and Policy 12 of the proposed LDP and the impacts on traffic and parking on the street scene, I note the concerns raised in the objections over additional traffic resulting from the development, the provision of an additional entrance onto Wemyss Bay Road, lack of details regarding the new entrance onto Wemyss Bay Road and the new entrance being sited outwith the red line boundary. In considering these matters, I turn to the consultation response received from the Head of Service – Roads and Transportation. She raises no objections to the proposal in terms of parking or road safety issues, noting that the driveway provides sufficient space for parking in accordance with the National Roads Development Guidelines. I concur with her remarks and consider that the provision of these spaces can be addressed by condition. Regarding matters concerning parking space sizes, gradients and driveway materials, these can also be addressed by means of condition. It is also noteworthy that Transport Scotland raises no objections to the proposal.

Based on the above, I consider that the proposal complies with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. Furthermore, it will have an acceptable impact on traffic and parking on the streetscene, as required to meet the quality of being 'Safe and Pleasant' in Policy 1. Taking into consideration all of the above, the proposal raises no conflict with the aims of both PAAN 2s, and therefore is in accordance with Policy 18 of the proposed LDP.

The proposal can be implemented without causing conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it meets the quality of being 'Safe and Pleasant' in Policy 1. I am therefore satisfied that the proposal can be implemented without impacting negatively on the amenity of the area and is in accordance with Policy 20 of the proposed LDP.

The proposal makes use of previously developed land, being sited on hardstanding within the curtilage of a dwellinghouse, in accordance with the quality of being 'Resource Efficient'. In order for the proposal to meet the quality of being 'Resource Efficient', it also needs to incorporate low and zero carbon energy-generating technology. Policy 6 requires all new buildings to be designed to ensure the carbon dioxide emissions reduction standard set by the Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. I am content that this matter can be satisfactorily controlled by condition. Policy 10 of the adopted LDP and Policy 11 of the proposed LDP require proposals to include electric vehicle charging infrastructure, having regard to the Supplementary Guidance on Energy. The guidance indicates that for new residential development consisting of single or multiple dwellings, one trickle charging point should be provided per dwelling. This matter can be satisfactorily controlled by condition and I am content that the proposal will incorporate low and zero carbon energy-generating technology. The proposal also makes use of previously developed land, therefore it meets the quality of being 'Resource Efficient' in Policy 1, and complies with Policy 6 of both LDPs.

In considering other matters raised by consultees not addressed above, in particular matters raised by the Head of Public Protection and Covid Recovery, I concur with his remarks requesting that appropriate measures are undertaken to deal with any contamination or Japanese Knotweed discovered on site. These matters can be addressed by means of condition. The other conditions requested regarding waste storage, external lighting and sound insulation are matters most appropriately controlled by other legislation. Advisory notes on these matters can, I consider, be added to the other advisory notes he recommends as part of the granting of any planning permission.

Turning to concerns raised by the objectors not addressed above, concerning inaccuracies over the tree declaration on the application form, I note that there are no trees within the application site and that whilst there are trees located on neighbouring sites, no works to any neighbouring trees are proposed to be carried out as part of the proposal. Regarding the planning portal not showing consultation responses, these are not required to be made public in the first instance. Restrictions in any title deeds that may limit development on the site are a civil matter to be resolved between the parties involved and are not material planning considerations, therefore they have no bearing on the assessment of this application. Regarding the concerns raised over the proposal setting a precedent that will destroy the historic frontage by enabling further development, any future development proposals will be separately assessed against its own merits.

In conclusion, the proposal is in accordance with adopted LDP Policies 1, 6, 8, 9, 10, 11 and 29 and proposed LDP Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. As the proposal is in accordance with the relevant policies in both the adopted and proposed Local Development Plans and there are no material considerations which would warrant refusal of the application, I conclude that planning permission should be granted, subject to conditions.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That prior to the commencement of development, full details of boundary treatments between the site of the existing dwellinghouse at Ardvaar and the dwellinghouse hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved boundary treatments shall thereafter be used unless a variation is approved in writing by the Planning Authority.
2. Prior to their use, samples of all facing materials to the dwellinghouse hereby permitted 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. All surface water shall be contained within the site.
4. The dwellinghouse hereby permitted 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 buildings.
5. The dwellinghouse hereby permitted shall be designed to include at least one trickle charging point made accessible for the charging of electric vehicles, details of which shall be submitted to and approved in writing by the Planning Authority and implemented, all prior to the occupation of the house.
6. The dwellinghouse hereby permitted shall not be occupied until two off-street parking spaces, each measuring a minimum of 3.0m x 5.5m have been provided within the site.
7. The driveway and garage access hereby permitted shall be paved for a minimum distance of 2.0m adjacent to Wemyss Bay Road and the gradient shall not exceed 10% all prior to occupation of the dwellinghouse.
8. In the event that previously unrecorded contamination or Japanese Knotweed is discovered during site development, works shall be brought to the attention of the Planning Authority, works shall cease immediately and the site made safe. Works shall not continue until a Remediation Scheme has been submitted to and approved, in writing by the Planning Authority.

Reasons:

1. To ensure that an appropriate boundary treatment is provided in the interests of visual amenity.
2. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
3. To ensure the development does not increase the risk of flooding to neighbouring properties or to Wemyss Bay Road.
4. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
5. To ensure adequate provision is made to encourage the use of electric vehicles.
6. To ensure suitable parking provision for the new development in the interests of road safety.
7. To ensure the provision of adequate driveways and to prevent loose material being carried onto the road.

8. To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

Stuart Jamieson
Interim Service Director
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.

Report To: The Planning Board

Date: 1 September 2021

Report By: Interim Service Director
Environment & Economic Recovery

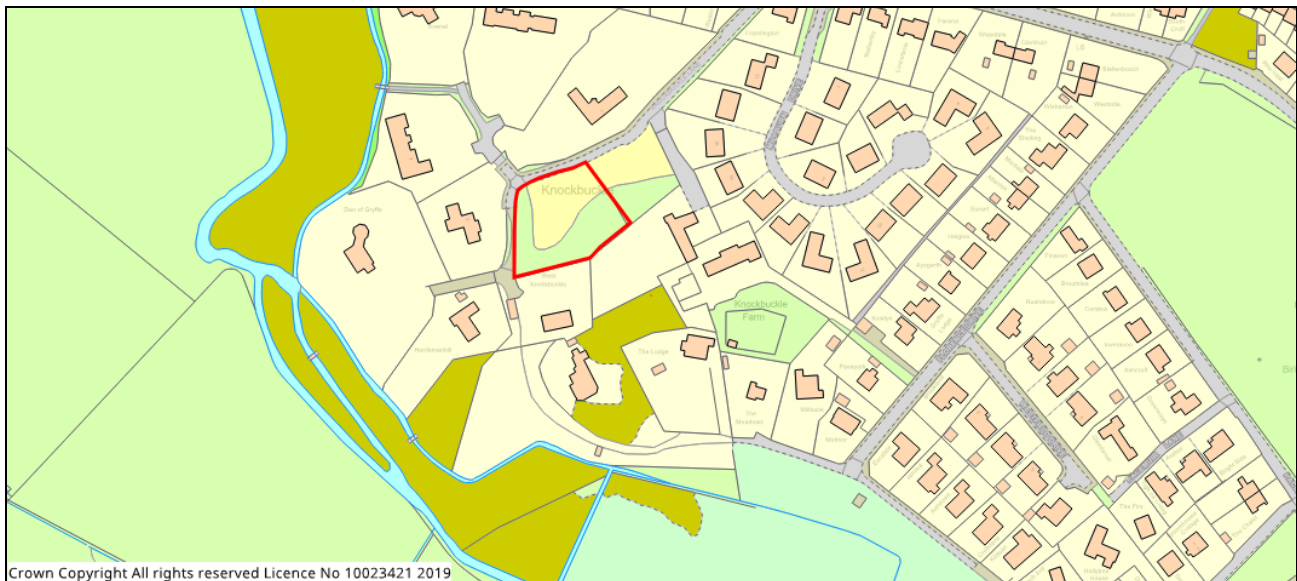
Report No: 20/0246/IC
Plan 09/21

**Local Application
Development**

**Contact
Officer:** David Ashman

Contact No: 01475 712416

Subject: Notification of Appeal Decision by Scottish Ministers: Detached garden room
in garden grounds of existing dwelling house (in retrospect) at
6 Knockbuckle Lane, Kilmacolm



SUMMARY

- Planning permission was refused by the Planning Board at its meeting in February 2021.
- The applicant appealed the decision to the Scottish Ministers and sought an award of costs.
- The appeal has been UPHeld but the claim of costs DISMISSED.

The appeal and costs decision letters 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'.

The Planning Board was advised at its meeting in June 2021 that an appeal over the refusal of planning permission had been submitted to the Scottish Ministers and that expenses were being sought on the grounds that the Council had not determined the application on legitimate planning grounds.

NOTIFICATION OF THE APPEAL DECISION

Mike Shiel was the Reporter appointed by the Scottish Ministers to determine the appeal.

In his decision the Reporter considers that the building is of contemporary design, contrasting with the associated house which, whilst being modern, is of traditional appearance. He nevertheless also considers that the juxtaposition of styles and materials is not inherently unacceptable.

With regard to the first reason for refusal he considers that despite its elevated position, it does not rise above the roof of the house and he is not persuaded that its visual impact is overly obtrusive or overbearing, or that its overall effect on the character of the residential area is harmful.

On the matter of access, the second reason for refusal, he considers that the means of access is a matter for the owners of the property and not for the planning authority. Indeed, in his letter in regard of the expenses claim he considers that the Council's behaviour was to a certain extent unreasonable in introducing this irrelevant reason for refusal of permission.

With regard to the final reason for refusal he concludes that the proposal was not contrary to Policy D given his conclusion on the first ground of appeal.

None of the other material considerations, which primarily consisted of the representations received by the Council and one further one received by him on appeal, convinced him the application should not be supported.

He therefore concludes that the appeal be upheld and planning permission be granted subject to 4 conditions as follows:

1. Full details, including a sample, of an alternative cladding material shall be submitted to and approved in writing by the planning authority within 21 days of the date of this permission; and the alternative cladding shall thereafter be fitted within a further 21 days from that approval unless a variation is approved in writing by the said authority in either instance.

Reason: To ensure that the cladding of the building complies with the current Building Regulations.

2. Full details of the drainage arrangements for the building shall be submitted to and approved in writing by the planning authority within 21 days of the date of this permission and shall, thereafter be fully implemented within a further 1 days from that approval, unless a variation is approved in writing by the said authority in either instance.

Reason: To ensure that all surface water shall be contained within the application site boundary and that drainage is in accordance with the current Building Regulations; and to ensure that neighbouring properties are not adversely impacted by surface water.

3. The opaque film fitted to the side and front windows of the building nearest to the property to the north-east (7 Knockbuckle Lane) shall be retained at all times unless an alternative means of screening has been submitted to and approved in writing by the planning authority and thereafter implemented as so approved.

Reason: To protect the privacy of adjacent properties.

4. The existing hedge planted along the length of the upper garden level of the application site adjacent to 7 Knockbuckle Lane shall be retained at all times unless an alternative form of boundary treatment has been submitted to and approved in writing by the planning authority, and thereafter implemented as so approved.

Reason: To protect the privacy of the adjacent property.

With regard to the expenses claim he concludes that although the Council acted to some extent in an unreasonable manner this has not resulted in a liability for expenses and he therefore declined to make any award.

Stuart Jamieson
Interim Service Director
Environment & Economic Recovery

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