

Report To: The Planning Board

Date: 3 November 2021

**Report By: Interim Service Director,
Environment & Economic Recovery**

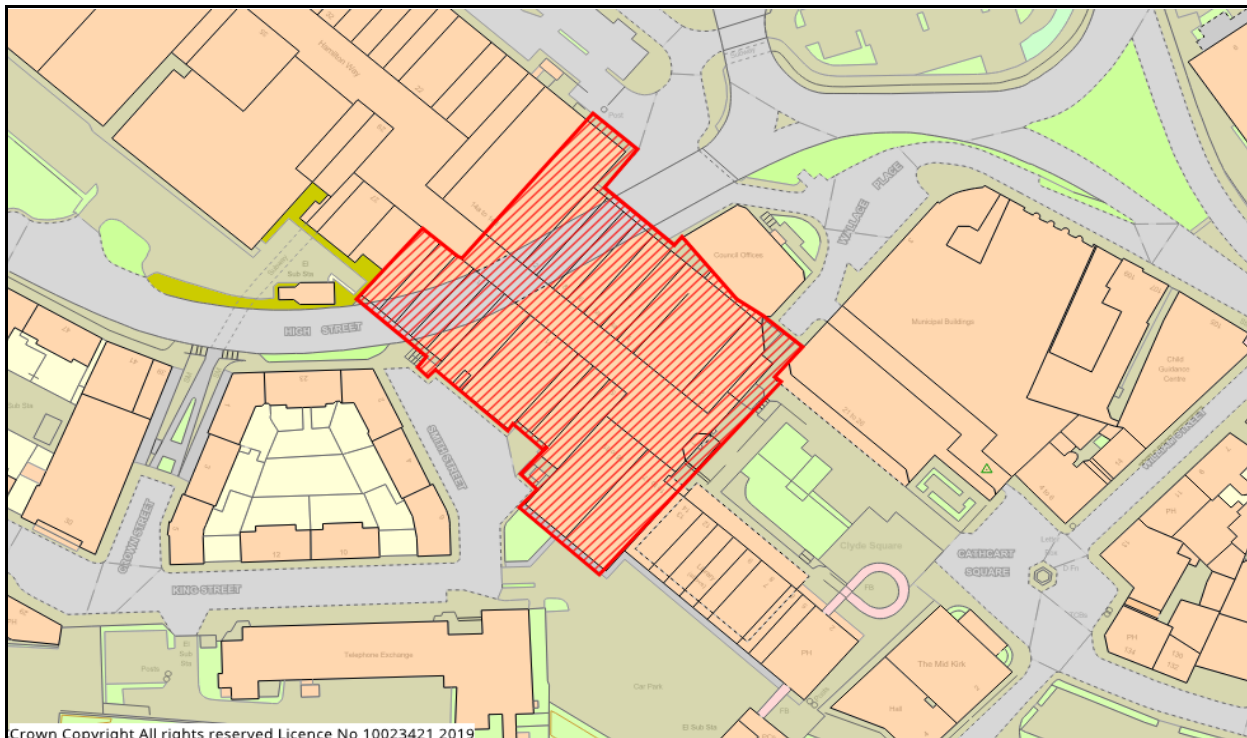
**Report No: 19/0285/IC
Plan 11/21**

**Major Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

Subject: Demolition of part of shopping centre, proposed elevation treatment to truncated section, and erection of mixed use development at Oakmall Shopping Centre, Greenock



SUMMARY

- The proposal complies with the intent of the adopted Inverclyde Local Development Plan and the proposed Inverclyde Local Development Plan.
- Two representations have been received.
- Consultations present no impediment to development.
- The recommendation is to **GRANT PLANNING PERMISSION** subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=Q0APQ0IMFMC00>

SITE DESCRIPTION

The application relates to the eastern part of the Oak Mall Shopping Centre, which is situated within Greenock Town Centre. The area which is the subject of the application extends to 6,613 square metres and includes all the units to the east of those occupied by “Sally Health and Beauty” and “Bargain Buys”. The application site adjoins the western side of Clyde Square with High Street, which forms part of the A78 Trunk Road, situated immediately above part of it. The Oak Mall was formed by enclosing the previously open streets forming Hamilton Way and Hamilton Gate, with planning permission first being granted in 1988.

A variety of buildings lie adjacent to the application site including the Category A listed Greenock Municipal Buildings, the Greenock Central library and the offices at Hector McNeil House. The Cathcart Street / William Street Conservation Area also adjoins the north-eastern corner of the application site.

PROPOSAL

It is proposed to partly demolish the eastern section of the Oak Mall Shopping Centre described above and create a new eastern entrance to the Oak Mall to the west of High Street, with interim landscaping and longer term mixed development dominated by flatted dwellings to the east of High Street. Both elements are to be connected by a new A78 (High Street) underpass.

A new glazed eastern entrance to the truncated Oak Mall, with a mono-pitch overhanging feature similar to the one at the entrance from Dalrymple Street will be provided, together with a new brick façade, backlit perforated Corten clad screening and signage. A new paved area between the new eastern entrance to the Mall and High Street will link the new entrance to Hunters Place. The exposed undercarriage of High Street will be visually screened on the Oak Mall side with a combination of freestanding backlit Corten screens, tall lightbox signage and promotional display panels.

To the east of High Street, a two stage development is envisaged. As a first stage, the combination of the application plans and the design and access statement show that, following demolition, there will be a series of “initial works” carried out. These are comprised of making good the exposed Central Library wall on the southern side of the building with brickwork to match the existing; making good the exposed gable at the lower part of Hector McNeil House with brickwork; the construction of a ramp and steps from the newly created underpass linking through to Clyde Square, with totem lights along its southern boundary; the erection of corten screens through the new underpass with artistic lighting overhead; the erection of planting screens to the exposed undercroft of the trunk road on the Clyde Square side; the erection of a new “gateway feature” over the new access ramp and steps; and the creation of two “development plots” sunk below the immediately adjacent Clyde Square ground level with the exposed part of Clyde Square supported by planted cribblock retaining walls. The development plots will be grassed in the short term. The latter will require a barrier on top of the walls for safety purposes. A new pedestrian link will also be created between Wallace Place and King Street as a result of demolition works.

It is intended by the applicant that the landscaped development plots will only be interim and that two new build blocks of 119 one and two bedroom residential flats of contemporary design, faced with a mix of reconstituted stone (mostly presenting to Clyde Square), facing brick and copper alloy cladding will follow, consisting of a five storey block to the rear of the Central Library and a six storey block to the west of Hector McNeil House. The five storey block is to be of mixed use with a new community hub proposed within the ground floor of the block, accessed from the new link to the Oak Mall. The desire for a community hub was an issue which came out of the pre-application consultation event held by the applicant. The corner apartments overlooking Clyde Square have recesses and projecting balconies to help punctuate the blocks on these corners. Glass balustrades also feature in the design. Both blocks have dual main frontages to Clyde Square and towards each other, separated by the vertically lit pedestrian link and soft landscaping connecting Clyde Square to the truncated Oak Mall via the trunk road underpass. The block elevations facing

the Municipal Buildings and Hector McNeil House feature angled windows to maximise daylight and minimise potential privacy issues with the adjacent office buildings. The new public realm will be finished in good quality concrete/stone aggregate paving in a blend of natural colours. Levels differences mean that some ground level apartments will be angled towards retaining walls but these are to be softened by vertical living green walls with generous light wells provided.

Whilst parking provision cannot be made on the site, the applicant has indicated that 66 parking spaces will be made available for residents at the King Street car park and the current service area.

The applicant also makes reference to potential future improvements to Clyde Square to be taken forward by "others" but these plans do not form part of the proposals.

In a supporting Design and Access Statement the applicant advises that the Oak Mall has been adversely affected by the shift to online shopping, the general decline of high street retail across the country and by competition from the new retail offer within Port Glasgow Town Centre. The applicant considers that the increased vacancies within the Oak Mall mean it no longer functions as a proper retail destination and it is considered that consolidation of functioning units will help to protect the vitality and vibrancy of the Mall. It is also noted that several units under the trunk road are unfit for occupation due to water ingress from above. It is stated that Transport Scotland require unobstructed, clear access to carry out rectifying works and demolition underneath the trunk road will achieve this purpose. The remaining existing tenants within the parts to be demolished are to be offered alternative space within the retained Mall.

Overall the applicant wishes the proposals to be seen as part of a four stage strategy as follows:

- Stage 1: Demolitions, Oak Mall works, road maintenance, under-croft screens and pedestrian route to Clyde Square;
- Stage 2: Landscaping works to the site of the future flatted blocks concurrent with stage 1;
- Stage 3: Development of the flatted blocks, likely to be in two phases, to follow stages 1 and 2;
- Stage 4: Future proposals by others to remodel Clyde Square, subject to any permissions.

The application is also supported by a Transport Assessment, an Energy Statement, a Flood Risk Assessment, a Preliminary Geo-Environmental Risk Assessment and a Pre-Application Report.

Planning permission was refused on appeal by the Local Review Body in March 2019 for the demolition of a similar part of the Oak Mall and elevational treatment to the exposed gables as it was considered that the loss of the retail floorspace and the creation of a large vacant space within the town centre was not justified; as there would be an unacceptable impact on the setting of the Municipal Buildings and the appearance and setting of the adjacent Conservation Area; and due to the failure to create a high quality place giving a sense of arrival to the new eastern entrance of the shopping centre. On this basis the proposal was considered to be contrary to several policies of the then adopted 2014 Inverclyde Local Development Plan and the then proposed Local Development Plan. It should be noted that the proposal did not include the proposed new build and interim landscaping elements forming part of the current proposal.

DEVELOPMENT PLAN POLICIES

2017 CLYDEPLAN STRATEGIC DEVELOPMENT PLAN

Policy 4 - Network of Strategic Centres

Strategic centres are the hub of the city region's communities supporting a range of economic and social activities. It is recognised that the economic and social significance of Glasgow City Centre and its diverse range of core functions sets it apart from all other strategic centres.

- To support the Vision and Spatial Development Strategy all strategic development proposals should: protect and enhance the development of the network of strategic centres in line with their role and function, challenges and future actions set out in Schedule 2;
- protect and enhance the long term health of Glasgow City Centre to ensure there is no detrimental impact on its role and function, as set out in Schedule 2 and in support of Joint Strategic Commitment – Glasgow City Centre; and,
- recognise that whilst the Network of Strategic Centres is the preferred location for strategic scale development, such proposals are subject to the sequential approach set out in Scottish Planning Policy and the assessment of impact on the other Strategic Centres in the network and town centres to ensure that there is no detrimental impact on their role and function.

ADOPRED 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 5 - Heat Networks

Major Development applications will be required to include an energy statement which considers the feasibility of meeting the development's heat demand through a district heating network or other low-carbon alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

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 28 - Conservation Areas

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

Policy 29 - Listed Buildings

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

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

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ.

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

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 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 5 - Heat Networks

Major Developments will be required to meet heat demand through a district heating network or other low-carbon alternative, unless the application is accompanied by an energy statement clearly demonstrating that this is not feasible. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

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

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

Policy 8 - Climate Change Adaptation

Where required by planning guidance, Major Developments are to be accompanied by a Climate Risk and Vulnerability Assessment.

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:

- o be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- o increase the level of flood risk elsewhere; and
- o 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:

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

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

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

Policy 12 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

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

Policy 13 - Air Quality

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

Policy 17 - Brownfield Development

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

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

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

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

Policy 18 - Land for Housing

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

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

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

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

Policy 20 - Residential Areas

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

Policy 22 - Community Facilities

Proposals for the new community facilities identified in Schedule 4 will be supported. Community facilities in other locations will be supported where the location is appropriate in terms of avoiding adverse impact on the amenity and operation of existing and surrounding uses, and where it can be reached conveniently by walking, cycling or public transport by its proposed users.

Proposals that would result in the loss of a community facility (including cultural/performance venues) will need to demonstrate that the facility is no longer required for the existing or an alternative community use.

The Council will produce Supplementary Guidance setting out the circumstances under which it will seek financial contributions from the developers of new housing towards new or extended community infrastructure required as a result of that housing development.

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 28 - Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future of the building. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

Policy 29 - Listed Buildings

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

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

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ. Where this is not possible, the developer will be required to fully record the archaeological resource for archiving, prior to development commencing.

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

CONSULTATIONS

Head of Service – Roads and Transportation – Comments have been provide as follows:

1. A reduced parking requirement within the town centre of 0.5 spaces per dwelling applies. 123 dwellings would require 62 parking spaces. The applicant has indicated that 66 parking spaces will be provided in King Street car park and in the current service area. This is acceptable.
2. All footways and footpaths should be a minimum of 2.0m wide.
3. Any areas of block paving should be impermeable.
4. A Road Construction Consent will be required for all new roads, footways and footpaths.
5. 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.
6. All surface water during and after development is to be maintained within the site boundary.
7. Confirmation of connection to Scottish Water Network should be submitted for approval.
8. The Flood Risk Assessment is acceptable.
9. The proposed drainage layout is acceptable.
10. All surface water run-off from the site shall be limited to that of greenfield.

Head of Public Protection and Covid Recovery – No objection, subject to conditions in respect of Japanese Knotweed and contaminated land, details of waste containers, external lighting, construction noise control, suitable isolation of lift and plant room mechanisms and sound insulation. Advisory notes are suggested in respect of site drainage, vermin and gull control, and the Construction (Design & Management) Regulations 2015.

Director of Education - This type of development will not contribute very much in the way of additional pressure on school rolls.

Scottish Power - No objection but there is apparatus within the vicinity.

Scottish Environment Protection Agency West – No objection.

Transport Scotland – No objection, subject to the following conditions:

1. Any proposal for demolition that is within the Trunk Road Boundary or may have effect on the Trunk Road or its infrastructure should be made in accordance with 'The Design Manual for Roads and Bridges', BD2/12, 'Technical Approval of Highway Structures'.
2. During the demolition process Transport Scotland's staff or their Operating Company, must be able to have full access to the A78 Trunk Road Structure and A78 Road above.
3. Measures must be implemented to ensure that Transport Scotland 's structure is not affected during or following the demolition process and that unhindered access is made available to Transport Scotland both during and following the demolition process and redevelopment of the land adjacent and beneath the bridge.
4. Transport Scotland's structure must not be touched during the demolition. The Developer/Consultant must seek approval from the Structures team in Transport Scotland prior to any works commencing on, adjacent to or below the road or structure
5. No works shall be undertaken until a Method Statement for the demolition has been submitted and approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The Method Statement will cover the following aspects:
 - How the integrity of the structure will be monitored during the demolition works.
 - How the substantial building sub-frames located at and beneath the structure will be dealt with.
 - How the foundations for the buildings beneath the structure are to be dealt with.
 - Identify what is currently attached to the structure and how they propose to remove those items and make good any damage.
 - There is record of asbestos being within the ceiling space of the Mall, details of how this will be managed during the demolition will be required.
 - How the works will be screened at the bridge structure to ensure that there is no driver distraction or dust/debris on the trunk road.
 - Access arrangements for staff from Transport Scotland, and their Operating Company, to inspect and observe the works.
 - A traffic management plan and programme of works as they affect the A78 shall be agreed in writing with Transport Scotland and continually updated as works proceed.

A series of advisory notes are also suggested as follows:

1. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority.
2. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
3. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
4. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.
5. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority

prior to commencement.

Historic Environment Scotland – Whilst post-war re-planning has seen much of the Municipal Building's immediate context reconfigured, due to its colossal scale and exuberant design it remains an important civic landmark, particularly in longer distance views across Greenock and from the Clyde. The proposed development would not adversely impact the experience, appreciation and understanding of this imposing A-listed civic landmark. The view of HES is therefore that the proposals do not raise historic environment issues of national significance and therefore we do not object. This should not be taken as their support for the proposals.

Scottish Gas Networks – No objection but there is plant in the vicinity. Suggestions are made with regard to digging precautions.

PUBLICITY

The application was advertised in the Greenock Telegraph on 29th November 2019 as development affecting the setting of a listed building.

SITE NOTICES

A site notice was posted on 29th November 2019 for affecting the setting of a listed building.

PUBLIC PARTICIPATION

Two objections were received. The points of objection may be summarised as follows:

1. Whilst a car free development is welcomed in principle, the needs of cyclists, in particular, have not been taken into account. Specifically, the provision of a safe cyclist/pedestrian route through Hunters Place, details of cycle parking provision, including accessible parking, and a fully accessible and inclusive ramp which satisfies best practice design standards.
2. Concerns over lack of car parking provision given the general business of the surrounding streets and the realistically non-availability of pay to park car parks in the vicinity.

ASSESSMENT

In the hierarchy of development proposals, this application is a major planning application as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. National Planning Policy requires to be considered including the National Planning Framework (NPF) 3 and the Scottish Planning Policy (SPP). The Development Plan consists of the 2017 Clydeplan Strategic Development Plan (SDP) and the adopted 2019 Inverclyde Local Development Plan (LDP).

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

The Policy Context

National Policy

The National Planning Framework (NPF) 3 and Scottish Planning Policy (SPP) are the two key national planning documents that set the framework for development across Scotland. NPF3 is the spatial expression of the Government's Economic Strategy and of plans for development and investment in infrastructure. NPF3 considers the importance of town centres as a key element in the social and economic fabric of Scotland. It considers that planning should support the role of town centres to thrive and meet the needs of residents and businesses. Quality of place is identified as fundamental to the success of town centres. The quality, sustainability and resilience of the built environment in this regard and improving accessibility by sustainable transport modes,

such as cycling, are regarded as crucial. A need is also identified for a significant increase in house building to ensure housing requirements are met across the country.

The SPP reinforces the aims of NPF3 to strengthen the vitality and viability of town centres and to facilitate new housing development. It considers that planning for town centres should be flexible and proactive and that the planning system should apply a town centre first policy when planning for uses that attract a significant number of people, including retail and commercial uses. It also requires consideration to promote residential use within town centres where this fits with local need and demand. The impact of new development on the character and amenity of town centres requires to be considered with improvements to the vibrancy, vitality and viability being crucial.

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

Strategic Policy

The 2017 Clydeplan Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy. Integral to this strategy is support for the network of strategic centres throughout the city region, of which Greenock is one. These centres have to be vibrant for living, culture, entertainment, leisure, shopping, business and civic activity. It recognises that these centres are going through profound change which is largely structural, not cyclical. It is considered to be important that these challenges be addressed to reflect changes, such as changing consumer habits and the development of e-commerce and web based operations. The vision and spatial development strategy requires that the network of centres be protected and enhanced, with investment required to support their long-term role particularly in terms of the quality of offer. It is considered that there will be a need to reconfigure where required, with spatial concentration of land uses identified as one issue.

SDP Policy 4 on the Network of Strategic Centres is the most relevant policy in the context of this proposal. It requires that all strategic development proposals should protect and enhance the development of the network of strategic centres. The policy cross references to a schedule in which Greenock is identified as a town centre with a role and function covering retail, civic, leisure, community, employment, business and residential uses. Included in the recognised challenges are the need to address the effects of declining population and to continue to improve the quality of the environment and to strengthen the retail role to take account of changing shopper habits and patterns. Future actions identified are to improve the retail offer.

Local Policy

In response to the SDP, the adopted 2019 Inverclyde Local Development Plan (LDP), through Policy 22, identifies the preferred location for a series of uses under Schedule 6 as being within the network of town and local centres identified in Schedule 7 to the Policy. Greenock is identified within the latter schedule as a strategic centre with the Greenock Central Area, which largely comprises the Oak Mall, being the preferred location for new retail development over 1,000 square metres. Proposals which accord with the role and function of the network of centres in Schedule 7 are to be supported. The policy also notes that proposals for residential development will be supported in town and local centres.

The LDP also addresses quality of place and this is of importance in two regards. Firstly, in the sense of place that is to be created through the remodelling of the Oak Mall and the treatment of the area of demolition both in the short term, through the landscaping treatment, and in the longer term through the proposed mixed, mainly residential development; and secondly, with respect to the impact the proposed developments will have with regard to the setting of the adjacent listed building (the Municipal Buildings) and the setting of the adjacent Cathcart Square/William Street Conservation Area.

Policy 1 of the LDP requires all development to have regard to the six qualities of successful places. The proposal requires to be "Distinctive" in reflecting local architecture and urban form, and

contributing positively to historic places and buildings; “Adaptable” in ensuring buildings and places can be adapted for a range of uses and avoiding creating buildings or spaces that will become neglected or obsolete; “Resource Efficient”, in making use of previously developed land, incorporating low and zero carbon energy-generating technology, utilizing sustainable design and construction techniques, making use of available sources of heat, building at a higher density in towns and around transport nodes, and providing space for the separation and collection of waste; “Easy to Move Around”, in terms of being well connected with good path links to the wider path network, public transport nodes and neighbouring developments, and recognizing the needs of pedestrians and cyclists; “Safe and Pleasant” in avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise, smell, vibration, dust, air quality, flooding, invasion of privacy or overshadowing, avoiding creating spaces that are unsafe or likely to encourage or facilitate anti-social behaviour or crime, enabling natural surveillance of spaces and buildings, incorporating appropriate lighting, and minimising the impact of traffic and parking on the street scene; and, finally, “Welcoming” in creating a sense of arrival, integrating new development into existing communities, creating attractive and interesting streets, and making buildings legible and easy to access.



Clyde Square entrance to the Oak Mall

Policy 28 of the LDP requires that proposals affecting the setting of a conservation area preserve or enhance the character and appearance of the area. Where the demolition of an unlisted building is proposed, consideration is to be given to the contribution the building makes to the area. Policy 29 of the LDP meanwhile requires that proposals affecting the setting of a listed building protect its special architectural or historical interest. In this connection the Historic Environment Scotland Guidance Note on “Setting” will be of particular importance.

The above are the key policies of the adopted LDP with regard to the assessment of this proposal. It should be noted that the equivalent policies of the proposed 2021 Inverclyde Local Development Plan are, respectively, Policies 1, 28 and 29. The wording of these policies does not vary significantly from the adopted LDP equivalents.

The Determining issues

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The other material considerations in this instance are the proposed 2021 Inverclyde Local Development Plan, the Supplementary Planning Guidance on "Energy", visual and other amenity impact of the proposed development and impact on existing streetscapes, the impact on the setting of the adjacent listed building, the impact on the adjoining Conservation Area, Historic Environment Scotland's "Policy for Scotland" and the Managing Change in the Historic Environment Guidance Note on "Setting", the impact on the vitality and viability of the Town Centre, the consultation responses, the representations and the applicant's supporting information.

The key determining issues in this respect are:

- Is the reduction in floorspace provision within the Oak Mall acceptable?
- Are the proposed elevational, ground and screening treatments associated with the proposed new entrance acceptable?
- Is the proposed new build development and the interim landscaping treatment acceptable and appropriate to the location?
- Will the proposed development result in the creation of a successful place with regard to being sustainable, accessible and well connected?

The proposed demolition, reduction in retail floorspace and reconfiguration of the eastern entrance to the Oak Mall

In assessing these aspects of the proposal it has to be acknowledged a loss of retail floorspace was a source of concern and indeed one of the reasons for refusal of the previous proposal. In the interim, since this matter was last considered, the retail environment has continued to deteriorate with an ever increasing number of vacancies within the Oak Mall, particularly within the eastern part which forms the subject of this application. The applicant has identified various reasons as to why this has occurred, as set above, but it is essentially a mix of national trends towards online shopping, operational difficulties for many national retailers, commercial competition from elsewhere and maintenance accessibility issues in respect of the trunk road. This has been compounded by the Covid-19 pandemic and the forecasts by economists of the financial fallout likely to result in the loss of many businesses. Indeed, more tenants in the Oak Mall have already been impacted as a result of the pandemic and closed their stores.

Furthermore, it is noted in the Clydeplan SDP that the changes now being encountered in our town centres are structural, rather than cyclical, meaning that a large scale revival in the fortunes of the "High Street" and full occupancy of vacant units are not realistic prospects. Therefore although the loss of retail floorspace was rejected in the previous planning application, it is appropriate to re-consider this matter in the assessment of the current application.

The key planning consideration with regard to the loss of retail floorspace is therefore the impact on the vitality and viability of the Oak Mall. The shopping centre forms the heart of Greenock Town Centre and is an accurate barometer of its overall health. The large scale vacancy in the eastern part of the Oak Mall, in particular, presents a very negative image and adversely impacts on the centre's overall vitality. The increased vacancy rate is resulting in most activity being concentrated in the western part of the Mall and has also significantly compromised the viability of the eastern part. Indeed, due to the issues with maintenance of the trunk road, as identified by the applicant, it is not certain that some units could ever be re-occupied.

In light of this, the applicant seeks a rationalisation of the retail floorspace offer and the re-design of the eastern approach to the Mall with the construction of a new entrance complementing that from Dalrymple Street. Direct accessibility will be achieved from the heart of Clyde Square through a

new, lit and featured design underpass approach and a new pedestrian link to Hunters Place. The consideration is that a more compact centre will present a viable longer term shopping facility and that the reduced but concentrated floorspace will present a more positive image of the vitality and viability of the Oak Mall. Unfortunately the further loss of retailers since the previous refusal of planning permission for redevelopment of the Mall has also altered the balance in consideration of the best way forward. Notwithstanding my concerns over the loss of retail floorspace, I consider that the proposal now presented will result in a more positive image of the Oak Mall which will benefit the vitality and viability of Greenock Town Centre. Acceptance of this aspect of the proposal will ensure that the Council is taking a flexible and proactive approach to the health of the Town Centre, as per the aims of the SPP and the Clydeplan SDP.

Whilst the proposed facing brick and corten finish to the truncated Mall and the other materials and fixtures associated with the proposed new pedestrian approaches are acceptable in principle, controls on all materials, the timing of the provision of the pedestrian links and the associated landscaping may all be addressed by conditions. I also consider that the screening of the exposed trunk road undercroft with a combination of freestanding backlit Corten screens, tall lightbox signage and promotional display panels on the side of the shopping centre would be welcome.



Aerial view of the application site

Notwithstanding the assessment in respect of the loss of the retail floorspace within the Oak Mall, it remains to be considered whether the partial demolition and associated later works would raise any further concerns. In this regard the impact of the proposal on the setting of the Class A listed Municipal Buildings, the setting of the Cathcart Street / William Street Conservation Area, and the visual and other amenity impacts of the proposal more generally all have to be considered.

The impact on the setting of the Municipal Buildings and the Conservation Area of the new build development

Policy 28 of the adopted and proposed LDPs requires that proposals for development within or affecting the setting of a conservation area are to preserve or enhance the character and appearance of the area. In assessing such proposals, regard will be had to any relevant information relating to the historic or architectural value of the conservation area. Policy 29 of the

adopted and proposed LDPs requires that proposals for development affecting a listed building, including its setting, be required to protect its special architectural or historical interest.

The application site lies adjacent to the Category A listed Municipal Buildings and clearly any development of the nature proposed has the potential to impact on their setting. Historic Environment Scotland's Managing Change in the Historic Environment Guidance Note on "Setting" advises that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. Setting often extends beyond the property boundary or curtilage of an individual historic asset into a broader landscape context. It is further advised that if proposed development is likely to affect the setting of a key historic asset, an objective written assessment should be prepared by the applicant to inform the decision-making process. The conclusions should take into account the significance of the asset and its setting and attempt to quantify the extent of any impact. The methodology and level of information should be tailored to the circumstances of each case. A Category A listed building is clearly a key historic asset but no such assessment has been undertaken by the applicant. I will therefore now consider these impacts of the proposal.

Clyde Square currently forms the setting for the principal elevation of the Municipal Buildings with the eastern elevation of the shopping centre in turn defining the western side of Clyde Square. The existing eastern entrance to the shopping centre plays an important role in creating the current sense of place within Clyde Square. Clearly any proposal for the demolition of this section of the shopping centre will fundamentally change the setting of the Municipal Buildings and the key viewpoints to the Buildings, together with how they are viewed within the wider streetscape and the wider appearance and sense of place within Clyde Square. The Municipal Buildings also form an important element in defining the western end of the Cathcart Street / William Street Conservation Area which is situated adjacent to the application site. Policy 28 of the LDP seeks to ensure that development does not have an adverse impact on a conservation area or its setting.

The proposed flatted blocks have been developed through pre-application discussions. At all times the Municipal Buildings had to remain the dominant focus within Clyde Square. This was to be achieved through controls on the height of the proposed blocks, their position and the choice of facing materials. Firstly, the height of Block 1, the nearest to the Municipal Buildings, has been kept to a maximum of approximately 17 metres. This keeps it well below the height of the Municipal Buildings and therefore subservient to it. It also means that the top of this block is no higher than the adjacent library building at Wallace Place. Although not listed, this building makes an important visual contribution and it was important that it was not compromised. Furthermore, Block 1 is set back further from the Municipal Buildings, at approximately 13 metres, than the present eastern entrance to the Oak Mall. When viewed from Clyde Square looking northwards this will therefore help to improve the setting of the Municipal Buildings. The proposed block also lines through with the library as it presents to the Municipal Buildings and helps create a better sense of place than is presently experienced.

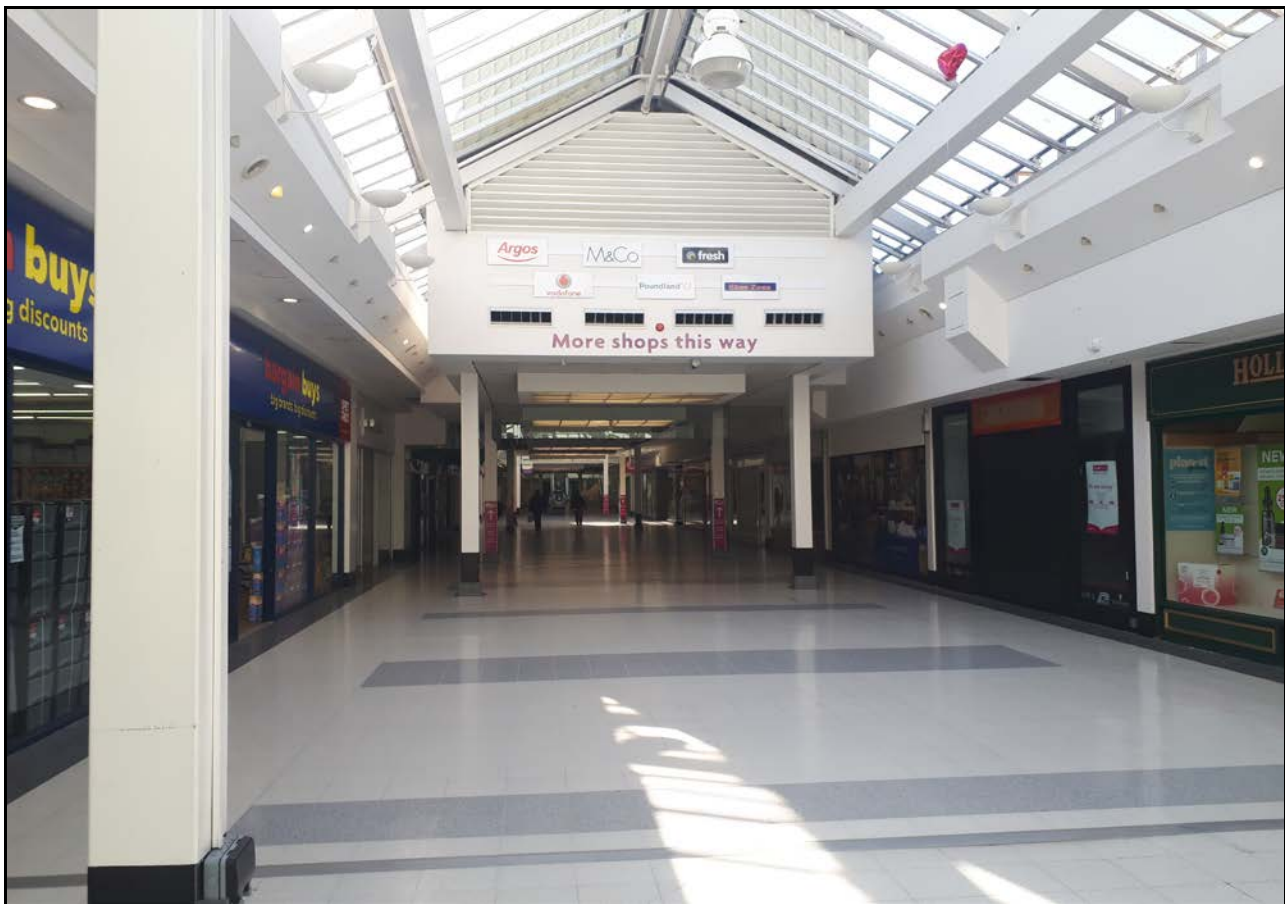
The elevation of Block 1 fronting the Municipal Buildings is to be mainly finished in a complementary reconstituted stone. This stone will continue along part of the façade to the walkway connection from Clyde Square to the Oak Mall. The elevation to the trunk road is indicated as brickwork but given the main finish to the library the use of reconstituted stone may be more appropriate and this can be addressed by condition.

Block 2, which sits approximately 11 metres to the west of Hector McNeil House is one storey higher but more distant from the Municipal Buildings. It still does not exceed the height of the Municipal Buildings and lines through with Hector McNeil House. It has similar material finishes to Block 1 where it fronts Clyde Square, also continuing along part of the façade to the walkway connection from Clyde Square to the Oak Mall. Similar considerations on the mix of facing materials would apply to Block 2.

The two blocks taken together will provide a built form setting to the western side of Clyde Square and therefore will re-instate and improve the sense of place which the current entrance to the Oak

Mall provides. The massing of both of these proposed blocks is greater than the current entrance to the Oak Mall but will not result in a claustrophobic, fully enclosed space, however, due to punctuation by the pedestrian and cycle entrance link via the new gateway to the truncated Oak Mall. As noted, the proposals have been carefully developed in discussions with the applicant and are considered to respect the setting of the Municipal Buildings and the adjacent Conservation Area.

The applicant has allowed for the possibility that there may be a delay between the completion of demolition and the construction of the proposed new blocks. The proposals therefore also set out an interim treatment to the site. The proposed making good of the exposed walls, the Oak Mall access features and arrangements, the screening of the exposed trunk road undercroft and the proposed hard and soft landscaping immediately adjacent to Clyde Square are all welcome. Timing of the provision of these elements may be controlled by conditions on a grant of planning permission. Given the extensive use of retention to address ground levels it is important that early treatment with planted wall screens is achieved. This interim treatment of the site will result in a



Interior view of the affected eastern part of the Oak Mall

significant change to the setting of the Municipal Buildings and the setting of the Conservation Area but is considered to be acceptable on the basis that it is not a permanent solution and on the basis of the anticipated quality of the landscaping. It should be noted, however, that it is not possible to condition the timing of the provision of the new mixed use development. Taking forward of this element will ultimately be a commercial consideration.

Nevertheless, the adopted and proposed LDPs support the principle of residential development within town centre locations as it contributes to footfall, activity and security. The proposed flats comply with the requirements of the adopted and draft PAAN3s in that being infill flatted developments, they reflect the scale of existing buildings and townscape in the environs with the limited provision of associated open space.

In addition, I note that, having considered all aspects of the proposals, Historic Environment Scotland has no objection to the impact on the setting of the Municipal Buildings. Overall, therefore, I regard the proposals as compliant with the requirements of Policies 22, 28 and 29 of the adopted LDP and Policies 23, 28 and 29 of the proposed LDP and to preserve and enhance the setting of the character of the adjacent Conservation Area in accordance with the general guidance in the "Policy for Scotland". This shows an approach which manages change with intelligence and understanding.

A successful place

Policy 1 of the adopted and proposed LDPs requires that proposed development have regard to the six qualities of successful places. The criteria relevant to this proposal have been identified above.

Some of these criteria require specific comment where they have not already been addressed. The massing (urban form) of the proposed new build elements reflects but does not compete with the existing built context. Architecturally, the designs are contemporary and therefore complement the evolution over time of the built form in the vicinity. The abandonment of use of many of the retail units within the Oak Mall unfortunately demonstrates their obsolete nature, which these proposals seek to address. More positively, this will result in the re-use of previously developed land at a higher density close to transport nodes, with good well-lit connections to encourage safe use and designed with cyclists and pedestrians in mind. The resultant buildings present an interesting street scene and are legible and easy to understand.

Minimal fenestration is provided on those elevations of the new build blocks fronting onto the trunk road to minimise potential noise, smell, dust and air quality conflicts. In this regard, I note that whilst Policy 12 of the adopted LDP (Policy 13 of the proposed LDP) suggests that an Air Quality Assessment should accompany an application which may introduce sensitive receptors to an area with low air quality, the Head of Public Protection and Covid Recovery does not see the need for such a study in his consultation reply.

Some lower level windows close to Hector McNeil House in particular, however, will have slightly compromised levels of daylight due to the proximity and height of the neighbouring building and the retention measures required due to contrasting site levels in the vicinity. Tests carried out using the guidance in the BRE Trust publication "Site Layout Planning for Daylight and Sunlight" resulted in this conclusion being reached. The publication does advise, however, that the advice given is not mandatory and that it should not be seen as an instrument of planning policy. The guidance is to be interpreted flexibly as natural lighting is only one of many factors in layout design. It notes, in particular, that in a historic city centre or in an area with modern high rise buildings that a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. Some of the fenestration on the new block elevations fronting Hector McNeil House and the Municipal Buildings is therefore angled towards Clyde Square or to the rear of Hector McNeil House. This helps to maximise daylight and reduces potential privacy conflicts with neighbouring office windows. The use of angled windows is a design solution which has been supported elsewhere by the Council in past developments without complication, such as the redevelopment of the former Binnie Street School in Gourrock.

Whilst some of the ground floor flats will have a more reduced aspect, they are typical of the street scene in parts of the nearby Greenock West End Conservation Area and therefore are an acceptable established urban form. It is the case, however, that a limited number of flats on the ground floor in Block 2, as originally submitted, would have experienced unacceptable levels of amenity in terms of a combination of accessibility to daylight, visual outlook and built form imposition. These flats, have been removed from the proposal with a larger area of underbuild resulting below walkway level. Although some of the applicant's drawings show a low wall being erected atop the retaining walls serving the flatted blocks it is considered that a railing would be a better response in some parts, thus assisting light penetration to the ground level windows. This matter may be addressed by condition.

With regard to the requirement for the incorporation of low and zero carbon energy-generating technology, this may best be addressed by a condition on a grant of planning permission, thus also satisfying the requirements of Policy 6 of the adopted and proposed LDPs. As part of the application process the applicant submitted an Energy Statement and Heat Map Report. I am satisfied that the applicant has made reasonably detailed provision for the development to connect to a possible future heat network comprising of nearby buildings. This includes confirmation of a protected route for such a connection with trench width and pipe sizes stipulated. With respect to their operations appraisal for Low and Zero Carbon Generating Technology, I generally agree with their assessments and that solar PV and air source heat pumps are the most likely viable technologies. I am therefore satisfied that the requirements of Policy 5 of the adopted and proposed LDPs have been met.

The nearest existing residential properties are the flatted dwellings at Smith Street to the south-west. The nearest window to window distance is approximately 21 metres, hence there are no privacy or daylight implications for the existing neighbouring residences. The residents in these blocks will also benefit from the introduction of new pedestrian links to Clyde Square and the Oak Mall.

With regard to traffic, parking and accessibility issues, the applicant submitted a Transport Assessment and engaged with the Head of Service – Roads and Transportation over a range of related matters. The conclusions reached are that due to the town centre location of the development, the limited parking provision of 66 spaces at the King Street car park and a former nearby service area at Smith Street are acceptable and that the central location of the development with its good pedestrian links means that connections to more sustainable transport options are available. It is important that these parking spaces are made available for the future occupants of the flats regardless of who builds them, and this matter requires to be addressed by condition. It would be appropriate to seek the provision of electric vehicle charging points pro-rata in accordance with the Supplementary Planning Guidance on “Energy” at some of these parking spaces. With regard to Transport Scotland, I note the conditions and advisory notes that they wish to be appended to a grant of planning permission but that there is no objection in principle to the proposed development. I am therefore also satisfied that the requirements of Policies 10 and 11 of the adopted LDP and Policies 11 and 12 of the proposed LDP have been met. This should also address the concerns of the objector in this regard.

Furthermore, with regard to her responsibilities in respect of flooding and drainage related matters I note that the applicant’s Flood Risk Assessment and other drainage related matters have been accepted by the Head of Service – Roads and Transportation. Subsequent controls on implementation may be addressed by conditions. I also note that there is no objection from SEPA in this regard. On this basis I conclude that the requirements of Policies 8 and 9 of the adopted LDP and Policies 9 and 10 of the proposed LDP have also been addressed.

Dedicated refuse facilities are to be provided to the rear and side of the proposed new blocks respectively. These are located within close proximity to collection points for refuse vehicles. In the case of block 2 this is an elevated platform to ensure level access to Smith Street for collections. It would be appropriate for details to be provided for their screening and access for residents and this may be addressed by condition.

It therefore follows that the proposals address all of the criteria in Policy 1 of both the adopted and proposed LDPs and that a successful place will be created as a result.

Miscellaneous issues and other material considerations

It follows from the above policy assessment that the proposal also accords with Policy 18 of the proposed LDP as it is an appropriate site within a town centre location and Policy 20 in that it is regarded as having an acceptable impact on the amenity, character and appearance of the area. In both instances the proposal has been noted as according with the relevant Planning Application

Advice Notes. Furthermore, the provision of the community hub facility within block 1 is supportive of Policy 22 of the proposed LDP in that the location is appropriate and will not adversely impact on the amenity and operation of surrounding uses and it can be reached conveniently by walking, cycling or public transport by its proposed users.

It has been determined from consultation that the proposed flatted dwellings do not present any implications for school rolls.

Although the site is included within the database inherited from the West of Scotland Archaeology Service in an area where archaeological remains may be present, the site has previously been developed and it is therefore extremely unlikely that there will be any significant antiquity present below the existing structures. It would, nevertheless, be appropriate to impose a watching brief condition to determine if there are any matters of interest. This addresses the concerns of Policy 31 of the adopted and proposed LDPs.

Turning to the remaining objections not assessed as yet, the concerns expressed in respect of the needs of cyclists were addressed through the submission of revised plans during the processing of the application and the objector was satisfied. The provision of a safe cyclist/pedestrian route through Hunters Place is on land outwith the control of the applicant and it would not be appropriate to ask the applicant to address this matter.

With regard to the consultation replies not already addressed above, all the remaining matters may be addressed by conditions or advisory notes on a grant of planning permission.

Conclusion

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. I consider that the proposal accords with the Development Plan and that there are no material considerations which suggest that planning permission should not be granted, subject to appropriate conditions and advisory notes.

RECOMMENDATION

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

1. That prior to their use, samples of all facing materials for use on the Oak Mall, the Central Library and Hector McNeil House, and materials to be used in hard landscaping shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is subsequently agreed in writing.
2. That notwithstanding the proposed finishes to the flatted blocks on the submitted drawings, determination of the final mix of finishing materials is hereby reserved. Prior to their use, samples of all facing materials for use on the flatted blocks 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. The prior to the commencement of development details shall be submitted of the phasing of all developments on the site and that, for the avoidance of doubt, this shall include the following:
 - That the corten and planted wall screening along the exposed A78 High Street undercroft shall be erected and/or carried out within 2 months of completion of the approved demolition of the Oak Mall, unless a variation to this timescale is agreed in writing with the Planning Authority;

- That the facing brick treatment to the exposed gable walls of the Central Library and the lower part of Hector McNeil House shall be carried out within 2 months of completion of the approved demolition of the Oak Mall, unless a variation to this timescale is agreed in writing with the Planning Authority;
 - That facing brick and associated treatments to the exposed walls of the Oak Mall shall be carried out within 2 months of the completed demolition of the Oak Mall, unless a variation to this timescale is agreed in writing with the Planning Authority;
 - That the development platforms to be created shall be topsoiled and grass seeded or turfed within 2 months of the completion of demolition works unless a variation to this timescale is agreed in writing with the Planning Authority;
 - That the hard landscaping comprising of the pedestrian link to Hunters Place to the west of the A78, the underpass and the footpath and ramp link to Clyde Square including the associated lighting, the gateway feature and the grass seeding or turfing of the exposed development platforms shall all be completed within 3 months of the completion of the demolition works and prior to the new eastern entrance to the Oak Mall being brought into use, unless a variation to this timescale is agreed in writing with the Planning Authority.
4. That upon completion of construction of the development platforms, a metal railing of at least 1 metre in height, the details of which shall be approved in writing by the Planning Authority in advance, shall be erected along the top of the retaining walls around the platforms fronting onto Clyde Square. Interim safety treatments for the exposed demolition areas shall be submitted to and approved in writing by the Planning Authority prior to the commencement of demolition works.
 5. That notwithstanding the timescale in condition 2 above, the cribblock retaining walls shall be fitted with plant screens upon their completion.
 6. That the flatted dwellings 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, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the dwellings.
 7. That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and agreed in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources is undertaken to the satisfaction of the Planning Authority.
 8. That full details of the cycle storage facilities hereby permitted shall be submitted to and approved in writing by the Planning Authority and implemented by the applicant, all prior to the occupation of the first flat in each block.
 9. 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.
 10. 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.

11. 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.
12. 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.
13. 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 and method of screening. The use of the development 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.
14. That all areas of block paving shall be impermeable.
15. That all surface water during and after development is to be maintained within the site boundary.
16. That confirmation of connection to Scottish Water Network should be submitted for approval prior to the commencement of development.
17. That any proposal for demolition that is within the Trunk Road Boundary or may have effect on the Trunk Road or its infrastructure should be made in accordance with 'The Design Manual for Roads and Bridges', BD2/12, 'Technical Approval of Highway Structures'.
18. That during the demolition process Transport Scotland's staff or their Operating Company, must be able to have full access to the A78 Trunk Road Structure and A78 Road above.
19. That measures must be implemented to ensure that Transport Scotland 's structure is not affected during or following the demolition process and that unhindered access is made available to Transport Scotland both during and following the demolition process and redevelopment of the land adjacent and beneath the bridge.
20. That Transport Scotland's structure must not be touched during the demolition. The Developer/Consultant must seek approval from the Structures team in Transport Scotland prior to any works commencing on, adjacent to or below the road or structure.
21. That no works shall be undertaken until a Method Statement for the demolition has been submitted and approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The Method Statement will cover the following aspects:

- How the integrity of the structure will be monitored during the demolition works;
- How the substantial building sub-frames located at and beneath the structure will be dealt with;
- How the foundations for the buildings beneath the structure are to be dealt with; Identify what is currently attached to the structure and how they propose to remove those items and make good any damage;
- There is record of asbestos being within the ceiling space of the Mall, details of how this will be managed during the demolition will be required;
- How the works will be screened at the bridge structure to ensure that there is no driver distraction or dust/debris on the trunk road;
- Access arrangements for staff from Transport Scotland, and our Operating Company, to inspect and observe the works;
- A traffic management plan and programme of works as they affect the A78 shall be agreed in writing with Transport Scotland and continually updated as works proceed.

22. That details of the soft landscaping associated with the proposed flatted blocks, including timing of planting and arrangements for maintenance, shall be submitted to and approved in writing by the Planning Authority prior to construction commencing on the first of these blocks.

23. That any of the planting approved in terms of condition 22 above that dies, becomes diseased, is damaged or is removed within 5 years of planting shall be replaced in the following planting season with other plants of a similar size and species.

24. That prior to commencement of construction of the first of the flats hereby permitted, written confirmation shall be provided to the Planning Authority of the availability of the King Street car park for the use by future residents of the flatted blocks hereby permitted.

25. That all surface water run-off from the site shall be limited to that of greenfield.

26. That prior to commencement of development a scheme for the provision of electric vehicle charging points in the car park at King Street shall be submitted to and approved in writing by the Planning Authority and shall comprise no less than 20% of the existing spaces. The approved scheme shall thereafter be implemented prior to the first of the flatted dwellings hereby permitted being occupied.

Reasons:

1. To ensure the use of a quality of materials appropriate to the setting.
2. To ensure the use of a quality of materials appropriate to the setting.
3. To ensure timeous provision of the public realm elements in the interests of amenity and to protect to setting of the listed building and the Conservation Area.
4. In the interests of public safety and to ensure a quality of material appropriate to the setting of the listed building and the Conservation Area.
5. In the interests of visual amenity.
6. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
7. In the interests of antiquity.
8. In the interests of sustainable travel.

9. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
10. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
11. 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.
12. To ensure that all contamination issues are recorded and dealt with appropriately.
13. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
14. To help to prevent flooding.
15. To help to prevent flooding.
16. To ensure that drainage arrangements will satisfactorily be addressed.
17. To maintain safety for members of the public, to minimise interference with the safety and free flow of the traffic on the trunk road and to ensure the integrity of the trunk road structure is not compromised.
18. To maintain safety for members of the public, to minimise interference with the safety and free flow of the traffic on the trunk road and to ensure the integrity of the trunk road structure is not compromised.
19. To maintain safety for members of the public, to minimise interference with the safety and free flow of the traffic on the trunk road and to ensure the integrity of the trunk road structure is not compromised.
20. To maintain safety for members of the public, to minimise interference with the safety and free flow of the traffic on the trunk road and to ensure the integrity of the trunk road structure is not compromised.
21. To maintain safety for members of the public, to minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the integrity of the trunk road structure is not compromised and to minimise the distraction to drivers on the trunk road.
22. To provide clarity on the planting in the interests of visual amenity.
23. To ensure retention of the approved scheme in the interests of amenity.
24. To ensure the provision of adequate parking facilities.
25. To reduce the risk of flooding in the wider area.
26. To comply with the Climate Change (Scotland) Act 2009.

Stuart Jamieson
Interim Service Director
Environment and Economic Recovery

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