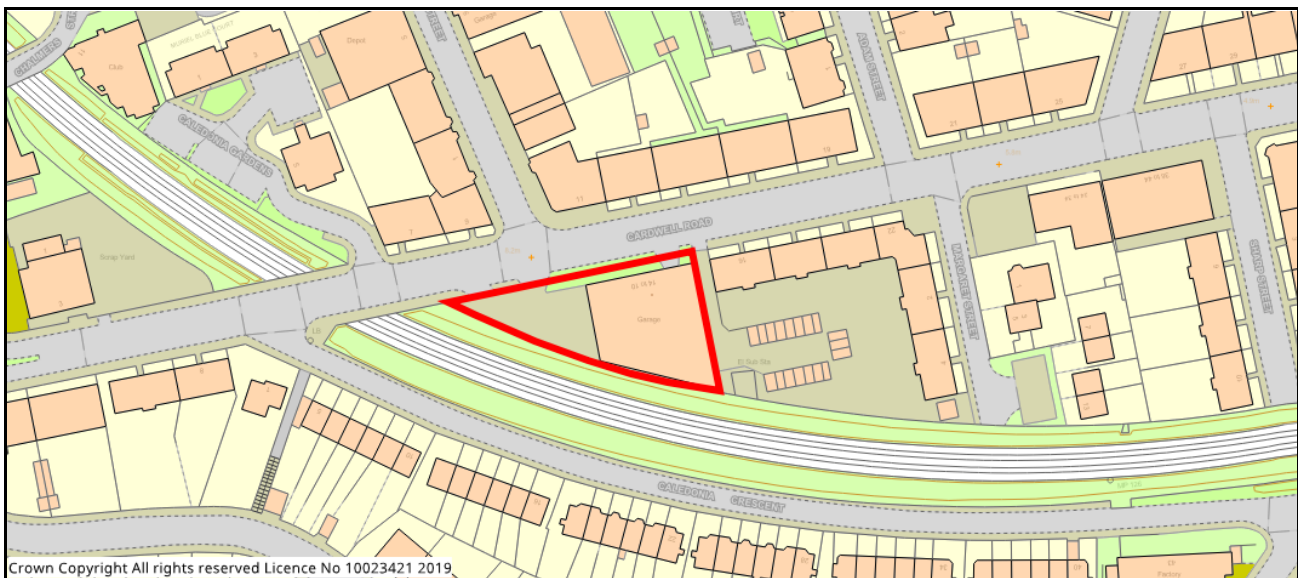


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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3 November 2021</b>
<b>Report By:</b>	<b>Interim Service Director, Environment &amp; Economic Recovery</b>	<b>Report No:</b>	<b>21/0086/IC Plan 11/21</b>
<b>Contact Officer:</b>	<b>David Ashman</b>	<b>Contact No:</b>	<b>01475 712416</b>
<b>Subject:</b>	<b>Erection of new convenience retail store, construction of car park and associated works at 10 Cardwell Road, Gourock</b>		



## SUMMARY

- The proposal is a departure from the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan but material considerations suggest that the proposal can be supported.
- Seven objections have been received from six individuals.
- The consultation replies 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=QQIYRHIMLOP00>

## **SITE DESCRIPTION**

The application site consists of an approximately 0.15 hectares roughly triangular shaped area of ground located on the south side of Cardwell Road next to the junction with Tarbet Street which is presently occupied by a vehicle repair garage, MOT station and vehicle hire business trading as "Fisher Trucks". The building is located within the eastern part of the site, is of approximately two storeys height and constructed with a mix of white painted stonework and metal corrugation with a corrugated fabric roof. The western part of the site, which significantly reduces in width towards its westernmost point, comprises hardstanding which is mainly used for the parking of a mix of vehicles, from some in various states of repair to vehicles which appear to be available for hire. This garage is a long standing feature of the streetscene in this part of Gourock.

The site sits within a mainly residential area which is punctuated by a range of commercial uses. To the east are 3 storey flats with two existing retail units forming part of a local shopping centre beyond. The Cardwell Road Local Centre is a mix of free-standing and ground floor commercial units within tenements, with three storey tenements and flats also forming part of the local centre. There are two commercial units on the ground floor of the 3 storey tenements on the opposite side of Cardwell Road with a mix of commercial garages to the rear of these. The Glasgow - Gourock Railway Line runs through a cutting to the south, with the existing building separated from this by a mix of boundary treatments including a low stone wall and a slightly higher metal fence. There is also a short narrow line of mature trees and bushes.

The site presently has three vehicular accesses onto Cardwell Road with a further vehicular access immediately to the east between the present building and the flats which provides vehicular access to a rear court parking area, garages, and a small electricity sub-station.

## **PROPOSAL**

Planning permission is sought for the construction of a new two storey Class 1 retail unit on the site of the current garage and its associated grounds. The building will have a ground floor sales area of 460 square metres with 270 square metres of storage on the upper level. The building will be of bespoke design to fit the geometry of the site. It will have a frontage of 37 metres and a depth on its eastern elevation of 22 metres. The tapered nature of the site means that the western part of the building will be of lesser depth at 10 metres. The section of the building which fronts Cardwell Road will be two storeys high and have a main apex running parallel to the road rising to a height of 10 metres. All measurements are approximate. The roof slope fronting Cardwell Road will be punctuated by three projecting gable roof features interspersed with two sets of double windows. The main store windows will be concentrated on the ground level eastern end of the façade with step and ramp access provided. The roof will be finished in a grey concrete tile with the front elevation predominantly finished in a buttermilk silicone textured render and more incidental areas of buff range rustic facing brick, with a slate grey/blue brick base course. This mix of finishes will continue around the west facing side elevation. The eastern side wall, beyond a brick finish front corner turn and the whole of the single storey mono-pitch roof part of the building to the rear will be finished in grey Kingspan composite insulated sheeting. The windows will be finished in traffic grey aluminium framed double glazing.

The building will sit slightly further westwards of the flats to the east than the existing garage which will allow the creation of 23 car parking spaces, inclusive of 3 disabled parking spaces. The front of the building will approximately line through with the adjacent flats. To the western side of the proposed building an external service yard will be constructed, screened from Cardwell Road by an approximately 2.5 metres high brick wall and fibre cement timber grained slatted gates. A small area of soft landscaping will be created beyond that. To the front of part of the shop, the full length of the service yard and the soft landscaped area, a service bay is to be provided running parallel and contiguous to Cardwell Road.

The application is accompanied by a planning and retail statement, a transport statement, a flood risk and drainage impact assessment and a preliminary roost assessment ecological study. It is

noted by the applicant that the intention is to provide a modern, comparatively spacious new store with the two existing stores run by the applicant in the Cardwell Road Local Centre and Gourrock Town Centre being closed and made available for occupation by others.

## **DEVELOPMENT PLAN POLICIES**

### **2019 ADOPTED 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 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 34 - Trees, Woodland and Forestry**

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

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

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

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

## **2021 PROPOSED INVERCLYDE LOCAL DEVELOPMENT PLAN**

### **Policy 1 - Creating Successful Places**

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

### **Policy 6 - Low and Zero Carbon Generating Technology**

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

Other solutions will be considered where:

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

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

## **Policy 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 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 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 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 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.

### **CONSULTATIONS**

**Head of Service - Roads and Transportation** – No objections in principle but the following comments are provided:

1. The parking requirements detailed in the National Roads Development Guide for class 1 is 3 spaces per 100sqm. The total GFA of the proposed store is 636sqm. Therefore the parking requirement is 20 parking spaces with 3 disabled parking bays. The parking provided meets these requirements.
2. Parking bays to be 2.5m x 5.0m with minimum 6m aisle spacing. The parking spaces meet these requirements.
3. Disabled parking bays to have 1m clearance around. The parking provided meets these requirements.
4. A visibility splay of 2.4m x 43.0m x 1.05m on to Cardwell Road should be achieved.
5. The access should be a minimum width of 5.5m. This meets the requirements.
6. The cycle parking requirements detailed in the National Roads Development Guide for:  
Class 1: 1 space per 400sqm for staff + 1 space per 400sqm for visitors: for 636sqm - 2+2=4 spaces. The Transport Statement makes reference to the provision of parking for 8 bikes, however they do not appear to be included on the site plan.
7. The applicant should demonstrate that a minimum of 2m footways are provided adjacent to the site.
8. Access should be taken via a footway cross over constructed in accordance with the National Roads Development Guide. A Section 56 Agreement will be required.
9. Following discussions with the applicant a signalised pedestrian crossing is now proposed close to the site to make it easier for pedestrians to cross and to encourage active travel to the site. This is acceptable.
10. Confirmation of connection to Scottish Water Network should be submitted for approval.
11. The applicant should provide written confirmation from Network Rail of any requirements to prevent vehicle incursions from the car park area onto the railway line. Details of any measures should be approved and installed prior to opening.

**Head of Public Protection and Covid Recovery** – No objections subject to the following conditions and advisory notes:



1. 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.
2. 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.
3. 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.
4. 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 a Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
5. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
6. The lift mechanism and motor (plant room/ventilation fans) should be suitably isolated from the building structure.
7. The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations.
8. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.
9. Due to the tonal aspect we would recommend that the noise from air conditioning units/refrigeration units is within Noise Rating Curve 25 (between the hours of 23:00 and 07:00) and Noise Rating Curve 35 (between the hours of 07:00 and 23:00) when measured within the nearest noise sensitive property.
10. Air conditioning units/ refrigeration units etc if attached to the property must be suitably insulated or isolated.

Advisory notes:

1. Site Drainage: Suitable and sufficient measures for the effective collection and disposal of surface water should be implemented during construction phase of the project as well as within the completed development to prevent flooding within this and nearby property.
2. Rats, drains and sewers: Prior to the construction phase it is strongly recommended that any existing, but redundant, sewer/drainage connections should be sealed to prevent rat infestation and inhibit the movement of rats within the area via the sewers/drains.

3. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and its implications on client duties etc.
4. Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.
5. Consultation on Proposed Use: It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to;
  - a) Food Safety Legislation,
  - b) Health and Safety at Work etc. Act 1974.

**Scotia Gas Networks** – No objections.

**Council Ecologist** – The preliminary roost assessment has been conducted in a thorough and professional manner with the report clearly stating what steps require to be taken. Any planning permission should include the recommendations made by the applicant's associates in respect of bats and nesting birds. The inclusion of biodiversity enhancements into the design would be welcome.

**Network Rail** - No objection in principle but the following matters should be taken into account.

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.

The applicant must ensure that the construction and subsequent maintenance of proposed convenience retail store can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.

All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 30th April 2021 as it is contrary to the development plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Seven objections were received from six individuals. The points of objection may be summarised as follows:

- Will lead to an increase in traffic with manoeuvres causing obstructions and further pollution from fumes and noise, worsening an existing situation.
- Loss of on-street parking spaces.
- No need for the store.
- This type of store is too small and the goods too expensive.
- Fear over anti-social use of car park.
- Loss of property value.
- Concern over possibly more traffic lights and opposition to the provision of a pedestrian crossing close to flatted properties.
- Increased noise and pollution from more cars.
- Loss of privacy.

## **ASSESSMENT**

The material considerations in determination of this application are the adopted and proposed Inverclyde Local Development Plans (LDPs), Scottish Planning Policy (SPP) 2014, the consultation replies, the representations, the impact of the proposed store on existing shopping centres and the impact on amenity generally.

### Policy context

SPP applies a “town centre first” principle approach to decision-making that considers the health and vibrancy of town centres. One of the four policy principles requires that the town centre first principle should apply when planning for uses which attract significant numbers of people, including retail. It requires that development plans adopt a sequential town centre first approach to new development with, in order of preference, town centres (including city centres and local centres), edge of town centre, other commercial centres and then out of centre locations being considered as potential locations. The SPP advises that for edge of centre locations which are contrary to the development plan, such as is the case in this instance, it is for the applicant to demonstrate that more central options have been thoroughly assessed and that the impact on town centres is acceptable.

The application site is located within a mainly residential area under Policy 20 of the proposed LDP. There is no equivalent to Policy 20 in the adopted LDP due to the quashing of the “Our Homes and Communities” chapter of the LDP by the Court of Session in July 2020. Policy 20 requires that proposals for development within residential areas be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, reference is to be made to the Council’s Planning Application Advice Notes Supplementary Guidance. There are no PAANs applicable in this instance. Although both the adopted and draft PAAN11s on “Shopfront Design” address replacement shopfronts they do not specifically address shopfronts in new build developments.

There are a range of other policies in both LDPs which are applicable to this proposal. Policy 22 of the adopted LDP and Policy 23 of the proposed LDP are of particular significance as they identify the preferred locations for uses such as the one proposed as being within the network of town and local centres identified in Schedule 7 to these policies. A use such as the one proposed outwith the network of centres will only be supported when it can be demonstrated that there is no 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 that there are clear community or economic benefits that can best be achieved at the proposed location.

With regard to other applicable policies, Policy 1 in both LDPs requires that all development has regard to the six qualities of successful places with consideration given to the relevant factors in the associated figures. The relevant factors in this instance 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 LDP); being “Resource Efficient” in making use of previously developed land, incorporating low and zero carbon energy-generating technology; being “Easy to Move Around” in being well connected with good path links to the wider path network, public transport nodes and neighbouring developments, and recognising the needs of pedestrians and cyclists; being “Safe and Pleasant” in avoiding conflict between adjacent uses by having regard to adverse impacts that may be created, in this instance by noise, flooding, invasion of privacy or overshadowing, and minimise the impact of traffic and parking on the street scene; and being “Welcoming” in integrating new development into existing communities, creating attractive and active streets and making buildings legible and easy to access.

Policy 6 of the adopted LDP indicates that support will be given to new buildings designed to ensure 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 is to increase to at least 20% by the end of 2022. The equivalent requirements and timescales in the proposed LDP are 20% rising to 25% by the end of 2025.

Policy 8 of the adopted LDP and Policy 9 of the proposed LDP require that proposals be assessed against the Flood Risk Framework set out in SPP and that they demonstrate that they will not be at significant risk of flooding or increase the level of flood risk elsewhere as the two relevant factors in this instance. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP require new build developments which require surface water to be drained to demonstrate that this will be achieved during construction and, once completed, through a Sustainable Drainage System (SuDs). Where waste water drainage is required it must be demonstrated that the development can connect to the existing public sewerage system.

Policy 10 of the adopted LDP and Policy 11 of the proposed LDP require that development proposals provide safe and convenient opportunities for walking and cycling access within the site and links to wide networks and include electric vehicle charging infrastructure having regard to the Energy Supplementary Guidance. Policy 11 of the adopted LDP and Policy 12 of the proposed LDP require that development proposals should not have an adverse effect upon the efficient operation of the transport and active travel network and that they comply with the Council’s roads development guidelines and parking standards.

Policy 16 of the adopted LDP and Policy 17 of the proposed LDP offer in principle support for bringing brownfield sites into beneficial use but that proposals on land 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 the site and has set out a programme of remediation of mitigation measures that ensure the site can be made suitable for the proposed use.

Finally, Policy 34 of the adopted LDP and Policy 35 of the proposed LDP indicate that the Council supports the retention of trees which have significant amenity, historical, ecological, landscape or shelter value. Where removal is proposed this will not be supported unless it can clearly be demonstrated that the development could not be achieved without removal; the public benefits of the proposal outweigh the loss of the trees; and compensatory planting will be provided to a standard agreed by the Council.

### The Determining Factors

Pulling together all the material considerations and the various applicable planning policies, I consider that the key determining factors in this instance are:

- Can the proposed retail development, which is outside of a recognised town or local centre, be supported without detriment to the existing centres?
- Is the proposal supportable with regard to amenity, particularly visual and residential amenity?
- Is the proposal acceptable in all other regards, notably with regard to impact on the vehicular and pedestrian traffic network, drainage and ecological impact?

### Retail and town centre policy considerations

Policy 22 of the adopted LDP and Policy 23 of the proposed LDP are of greatest relevance in considering the potential impact of the proposal on the existing centres. The key assessment criteria are set out above and these require to be considered in detail. With regard to the first of these criteria, demonstrating that there is not a suitable sequentially preferable opportunity, the applicant has considered the two nearest centres, being the Cardwell Road Local Centre and Gourock Town Centre. As the proposal is essentially for a local store which will have a restricted catchment area it is considered that the geographical extent of the search area is appropriate in this instance. The applicant has demonstrated that there is no vacant and available unit of equivalent size to that proposed to accommodate the development. Whilst there are other vacant



Looking south-eastwards at the junction with Tarbet Street

units, more notably in the Shore Street section of Gourock Town Centre including the one which, subject to approval of the application the applicant will vacate, it is not appropriate that the applicant be asked to reduce the scale of their proposal nor subdivide its constituent elements (the ground floor retail floorspace and the upper level storage). In the supporting statement the applicant refers to a Supreme Court judgement from March 2012 in the case of Tesco Stores Ltd v Dundee City Council where, among other considerations, the judgement made by Lord Hope included the consideration that "It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre". It is therefore accepted that there is no sequentially preferential opportunity and this edge of centre site therefore comes into play.

The second criteria of these two policies requires that a proposal not have an unacceptable impact on the vibrancy, vitality and viability of other centres. The applicant's supporting information shows the expected catchment area, which includes all of the nearby Cardwell Road Local Centre and also comes close to an eastern element of Gourock Town Centre. The bulk of the catchment area

is the mainly residential area to the south of the application site. This is the applicant's view of catchment but it is possible that the reach of the store will extend beyond the geographical boundaries they have identified and, of course, there will be an element of passing trade given the high visibility of the proposed store. The applicant has also provided figures related to turnover for the existing convenience floorspace within their catchment area, expected turnover figures for the proposed store and the estimated convenience goods expenditure within the catchment area. The applicant notes that existing expenditure will be split among existing local stores but that there is likely to be "leakage" from the catchment area to existing stores outwith it, including to Greenock. In assessing the likely impact of the proposed store and whilst not producing any figures, the applicant considers that, firstly with regard to the Local Centre, the application site is approximately 120 metres to the west of the existing Centre, which is less than the distance from their nearest existing store to the eastern end of the Centre. The applicant concludes that the close proximity and the existing strong pedestrian linkages mean that linked trips to the existing centre may reasonably occur and that whilst outwith the Local Centre as defined by the adopted LDP, the proposed store will have an effective functional relationship with the Centre. Although not raised as an issue by the applicant, there is such an existing relationship between the two commercial units on the opposite side of Cardwell Road and the existing Local Centre. I concur with the applicant's assessment of the likely, acceptable impact on the Cardwell Road Local Centre, although it has to be acknowledged that the closure of their existing store will lead, at least in the short term, to a new vacancy.

With regard to Gourock Town Centre, the applicant considers that no significant amounts of trade will be drawn from it as it is not within the identified catchment area. It is also noted that Gourock Town Centre is very well served by existing convenience outlets and reference is made to the LDP Monitoring Report of December 2020 showing a strong convenience retail representation. It is also noted that the closure of their existing store in Shore Street will potentially benefit other convenience retailers with the applicant effectively abandoning their existing trade draw at that locus. The applicant has not referred to the high level of vacancies on the Shore Street part of Gourock Town Centre but has merely noted that, as a whole, the vacancy rate in Gourock Town Centre is broadly in line with the national average. Having given careful consideration to the arguments made by the applicant with regard to Gourock Town Centre I am minded to agree that the proposal will not adversely impact it to the extent that refusal of planning permission would be justified. In reaching this conclusion, however, I consider that the applicant has probably underplayed the attraction of a new spacious store with adequate parking facilities to a wider catchment area but, on balance, this will most likely be largely in respect of more mobile customers and passing trade rather than daily footfall trade which will make up most of the present custom in Gourock Town Centre.

Turning to the third criteria of clear community or economic benefits that can best be achieved at the proposed location, the applicant emphasises the benefits to the community of a modern retail outlet being provided within the existing community and the economic benefits of maintaining and potentially increasing local employment and improving the appearance of the site. The type of community benefit identified by the applicant is not what the criteria is intended to address but it is noted that the criteria anticipates community or economic benefits. The economic benefits are clearer in the retention of employment from the existing stores and the noted potential increase in employment opportunities within the new store. There are also the more short term economic benefits provided during construction and demolition of the existing building. With regard to the improvement in the appearance of the site, this is noted but almost any development proposal at the site would lead to such an improvement and therefore this particular benefit is not unique to what is presently proposed. Nevertheless, this is the proposal which the Council is being asked to consider for this site and it is agreed that it would bring the benefit of visual improvement at the heart of the local community.

Overall, therefore, I consider that notwithstanding the application site is an edge of centre site and not within an existing town or local centre due to the lack of availability of such a development opportunity, the scale and nature of the proposal and its location leads me to conclude that it will

have an acceptable impact on the two nearest centres. The proposal is therefore considered to be supportable with regard to Policy 22 of the adopted LDP and Policy 23 of the proposed LDP.

### Amenity considerations

The key amenity considerations relate to visual impact and residential amenity.

The proposed building is well designed, taking some cues from the flats immediately to the east, and has been developed through the pre-application consultation process. The shopfront design reflects and respects much of the guidance in the adopted and draft PAAN11s whilst, as noted above, this is not strictly applicable to this proposal. The associated service yard boundary structures to Cardwell Road ensure that plant, any external storage and other yard space will be effectively screened and the car parking provision to the side of the store will ensure a limited visual impact on the public domain. Final choices of finishing materials may be controlled by condition but I am satisfied that, in principle, the proposed building will be a positive and welcome addition to the streetscene. The Council also stipulates that new buildings adhere to the requirements of Scottish Building Standards in respect of carbon dioxide emissions reductions. As a new building, it will have to be designed in accordance with this requirement but, for the purposes of the planning assessment, this may be addressed by condition to ensure compliance with Policy 6 of both the adopted and proposed LDPs.



Looking south-westwards from the opposite side of Cardwell Road

With regard to residential amenity, there will be no overshadowing of nearby properties nor are there any privacy implications from windows on the proposed building. Compared to the existing garage on the site noise from the premises, once operational, will largely be limited to the activities of delivery vehicles and customer car movements. The store itself will have a negligible impact and, indeed, will result in a net improvement compared to existing activities. The visual improvement of the site, alluded to by the applicant above, will also result in benefits to nearby residents. All of these considerations are knowingly in the context of traffic activity on Cardwell Road, which is a busy commuter route along Inverclyde's Waterfront. I am also conscious of the existing garages on Tarbet Street close to the junction with Cardwell Road. In light of this, residents cannot reasonably expect the same level of quietitude that would be experienced within an exclusively residential area and I therefore do not consider that any additional traffic which would be attracted to the site would alone justify the refusal of planning permission. The Head of Service – Roads and Transportation is

content in principle with the road alterations proposed by the applicant, which include a new pedestrian crossing that she considers essential for the safety of pedestrians accessing the store from the northern side of Cardwell Road and beyond, and there are no concerns about any interruptions to traffic flow as a result. The process has to be concluded through second and third stage safety audits but this is a process controlled by other legislation. From a planning perspective all that is required is surety that the final agreed crossing be in place before the building is brought into use and this may be controlled by condition. I note that an objection has been submitted relating to the provision of a pedestrian crossing. It is the case, however, that not only is the provision of this considered essential in the interests of pedestrian safety but as these are works in the public road they are outwith the application site and do not require the benefit of planning permission in their own right. Drawing all these points together, I therefore consider that the proposal will have an acceptable impact with regard to residential amenity.

On a separate but related matter, the established use on this site may well have resulted in some contaminants in the ground and its re-development may well require site investigation and decontamination works to be carried out which will be of benefit and accord with Policy 16 of the adopted LDP and Policy 17 of the proposed LDP, all subject to appropriate conditions requested by the Head of Public Protection and Covid Recovery.

Overall, therefore, I consider that the proposal will result in a successful place being created.

#### Impacts on the vehicular and pedestrian network

As noted above, the application was subject to a Transport Assessment and the full implications of the proposal for the vehicular and pedestrian transport infrastructure have been considered in discussions with the Head of Service – Roads and Transportation. Subject to a series of appropriate conditions and advisory notes in respect of the provision of the parking spaces, electric vehicle charging points, visibility splays and the provision of cycle parking, I conclude that the proposal accords with Policies 10 and 11 of the adopted LDP and Policies 11 and 12 of the proposed LDP.

#### Flooding and Drainage

The Head of Service – Roads and Transportation gave detailed consideration to the submitted Flood Risk & Drainage Impact Assessment submitted by the applicant. This was found to be acceptable but requires the imposition of conditions and advisory notes to ensure that the resultant development does not adversely impact on neighbouring land uses and that appropriate drainage connections can be made. The proposal therefore accords with Policies 8 and 9 of the adopted LDP and Policies 9 and 10 of the proposed LDP.

#### Ecology

An ecology study was requested due to the potential of the existing building to provide bat roosting opportunities and for an examination of the existing trees and bushes to the rear of the premises as the submitted drawings suggested their removal would be a consequence of the development. The commissioned study was considered by the Council's ecology advisor who considered it to be a sound assessment of the ecological potential of the site. Subject to conditions related to the conclusions of the study the proposal is considered acceptable in ecological terms, thus complying with the required assessment of Policy 34 of the adopted LDP and Policy 35 of the proposed LDP.

#### Policy assessment conclusion

Drawing all of the above matters together including the conclusion on other policies, I consider that, notwithstanding that the application site is not within an identified town or local centre, the proposal accords with all the relevant criteria in Policy 1 of both the adopted and proposed LDPs and Policy



20 of the proposed LDP. It remains to be considered, however, if there are any other material considerations which suggest that planning permission should not be granted.

### Other material considerations

In this regard I refer to the points of objection and consultation responses, or parts thereof, not yet addressed.

With regard to the remaining comments from the objectors, an off-street service bay is a welcome development and there will be adequate parking provision. It is anticipated that the busiest trading hours of the store will not vary from the existing stores and therefore activity will not have the same level of intensity throughout the evening as during the day. A restrictive condition on service deliveries as requested by the Head of Public Protection and Covid Recovery should help to address concerns over extra noise at quieter times.

The potential for the proposal to adversely or positively impact on the valuation of a nearby property is not a material planning consideration. Whether there is a need for the store at the local is a commercial and not a planning consideration. Concerns over possible alternative use of the car park is speculative and would not merit the refusal of planning permission on this basis.

Turning to the remaining comments in the consultation replies, these may be addressed by conditions or advisory notes.

### Conclusion

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications be determined in accordance with the development plan unless material considerations determine otherwise. As the application site is not within an established town or local centre as defined by the adopted Inverclyde Local Development Plan it is technically contrary to the development plan. Having considered all aspects of the proposal however, including the potential impact on the nearest town and local centres, it is concluded that the limited impacts on these centres would not justify refusal of the proposal. Furthermore, there are positive benefits associated with the proposal through the retention and possible growth of employment opportunities and the redevelopment of a brownfield site at the heart of the local community. Subject to appropriate conditions and advisory notes it is recommended that planning permission be granted.

### **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. That prior to their use samples or other details shall be provided of all facing materials to be used on all buildings and hard landscaping. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority.
2. That the car park and service bay hereby approved shall be surfaced to final wearing course and marked out prior to the building hereby permitted being brought into use.
3. That the cycle parking facilities shown on the approved plans shall be provided prior to the building hereby permitted being brought into use.
4. That a visibility splay of 2.4m x 43.0m x 1.05m from the car park onto Cardwell Road shall be achieved at all times.
5. That details of the provision of electric vehicle charging points shall be submitted to and approved in writing by the Planning Authority and implemented in full, all prior to the building hereby permitted being brought into use.

6. 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.
7. 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.
8. That before the development hereby permitted is brought into use 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.
9. 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.
10. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas and all other surface water areas.
11. That all surface water shall be managed and contained within the application site.
12. That prior to the commencement of development, confirmation of connection to the Scottish Water Network shall be submitted for approval.
13. That prior to the building hereby permitted being brought into use the sections of footway along the frontage currently used as accesses shall be fully reinstated as footways to the satisfaction of the Planning Authority. Details shall be submitted to and approved in writing by the Planning Authority of the reinstatement works prior to their commencement.
14. That prior to the building hereby permitted being brought into use full details of the planting on the soft landscaped area shall be submitted and approved in writing by the Planning Authority and carried out on the site.
15. That any of the approved planting that is damaged, is removed, becomes diseased or dies within 5 years of planting shall be replaced within the following planting season with planting of a similar size and species.

16. That the recommendations in the Preliminary Roost Assessment by Brindley Associates dated May 2021 submitted as part of the application shall be implemented and followed in full.
17. That the building 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 dwelling.
18. That the existing footway crossings shall be re-surfaced and converted to sections of footway before the development hereby permitted is brought into use.
19. That the noise from air conditioning units/refrigeration units is within Noise Rating Curve 25 (between the hours of 23:00 and 07:00) and Noise Rating Curve 35 (between the hours of 07:00 and 23:00) when measured within the nearest noise sensitive property.
20. That deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.
21. The applicant shall provide written confirmation from Network Rail of any requirements to prevent vehicle incursions from the carpark area onto the railway line before the commencement of development. Detail of any measures should be approved and installed prior to opening.
22. That prior to the commencement of use of the retail premises the pedestrian crossing, as detailed in drawing 20020-010 dated 13th September 2021, or a specification otherwise agreed with the Planning Authority, shall be installed and operational.

#### Reasons

1. To ensure the appropriateness of these materials in the interests of visual amenity.
2. To ensure the acceptability and usability of these areas in the interests of traffic safety.
3. In the interests of encouraging active travel.
4. In the interests of traffic safety.
5. In the interests of sustainability.
6. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
7. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
8. 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.
9. To ensure that all contamination issues are recorded and dealt with appropriately.
10. To control runoff from the site to reduce the risk of flooding.
11. To control runoff from the site to reduce the risk of flooding.
12. To ensure adequate service connections can be achieved.

13. In the interests of pedestrian safety.
14. To ensure the provision of the soft landscaping.
15. To ensure retention of the soft landscaping.
16. In the interests of wildlife protection.
17. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
18. In the interests of pedestrian safety.
19. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
20. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
21. In the interests of railway safety.
22. In the interests of pedestrian safety.

Mr Stuart W 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