

Ref: CM

Date: 22 October 2021

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

Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Tuesday 2 November how they intend to access the meeting.

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

Information relating to the recording of meetings can be found at the end of this notice.

ANNE SINCLAIR
Interim Head of Legal Services

BUSINESS

****Copy to follow**

1.	Apologies, Substitutions and Declarations of Interest	Page
2.	Continued Planning Application Report by Interim Service Director, Environment & Economic Recovery on application for planning permission as follows:	
(a)	Mr David Todd Proposed erection of detached house: Ardvaar, Wemyss Bay Road, Wemyss Bay (21/0132/IC)	p
3.	Planning Applications Reports by Interim Service Director, Environment & Economic Recovery on applications for planning permission as follows:	
(a)	Lunar Greenock SARL Demolition of part of shopping centre, proposed elevation treatment to truncated section, and erection of mixed use development: Oakmall Shopping Centre, Greenock (19/0285/IC)	p
(b)	Dickie & Moore Ltd. Erection of new convenience retail store, construction of car park and associated works: 10 Cardwell Road, Gourock (21/0086/IC)	p
(c)	Mr Jimmy Crawford Formation of community garden (amendment to planning permission 21/0050/IC in respect of garden layout, including change of surfacing,	p

	change of materials to planters, additional shed, relocated shed and timber fence) (partially in retrospect): Lyle Kirk, 31 Union Street, Greenock (21/0198/IC)	
(d)	Mr Terry Hamilton Proposed installation of French doors: 1 Levan Point, Levan Point, Gourrock (21/0281/IC)	p
4. (a)	Planning Appeals Report by Interim Service Director, Environment & Economic Recovery intimating a notification of a planning appeal at land at Planetreeyetts, Kilmacolm (18/0322/IC)	p
(b)	Report by Interim Service Director, Environment & Economic Recovery intimating the outcome of a planning appeal at land adjacent to 24 Rosemount Place, Gourrock (20/0186/IC)	p

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

Please note that the meeting will be recorded. The Council is a Data Controller under UK GDPR and the Data Protection Act 2018 and data collected during any recording will be retained in accordance with the Council's Data Protection Policy including, but not limited to, for the purpose of keeping historical records.

By entering the online recording or attending the chambers in person, please acknowledge that you may be filmed and that any information pertaining to you contained in the video and oral recording of the meeting may be used for training purposes and for keeping historical records.

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

Report To: The Planning Board

Date: 3 November 2021

Report By: Interim Service Director,
Environment & Economic Recovery

Report No: 21/0132/IC
Plan 11/21

Local Application
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

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



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SUMMARY

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

Drawings may be viewed at:

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

BACKGROUND

At the September 2021 meeting of the Planning Board the application was continued for a site visit, subsequently arranged for 24 September, to allow Members the opportunity to consider the site and its environs.

SITE DESCRIPTION

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

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

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

PROPOSAL

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

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

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

DEVELOPMENT PLAN POLICIES

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 6 – Low and Zero Carbon Generating Technology

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

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

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

Policy 8 – Managing Flood Risk

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

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

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

Policy 9 – Surface and Waste Water Drainage

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

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

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

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

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

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

Policy 10 – Promoting Sustainable and Active Travel

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

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

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

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

Policy 11 – Managing Impact of Development on the Transport Network

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

Policy 29 – Listed Buildings

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

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

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

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

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

Policy 6 – Low and Zero Carbon Generating Technology

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

Other solutions will be considered where:

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

Policy 9 – Managing Flood Risk

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

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

The Council will support, in principle, the flood risk management schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

Policy 10 – Surface and Waste Water Drainage

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

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

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

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

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

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 – Promoting Sustainable and Active Travel

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

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

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

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

Policy 12 – Managing Impact of Development on the Transport Network

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

Policy 18 – Land for Housing

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

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

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

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

Policy 20 – Residential Areas

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

Policy 29 – Listed Buildings

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

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

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

CONSULTATIONS

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

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

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

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

- Advisory notes are recommended with regard to: site drainage; Construction (Design & Management) Regulations 2015 (CDM 2015); surface water; and the design and construction of buildings relating to gulls.

Transport Scotland – No objections.

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

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

PUBLICITY

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

SITE NOTICES

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

PUBLIC PARTICIPATION

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

Access and Parking

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

Design and Visual Impact

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

Flooding and Drainage

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

Procedural Concerns

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

Other Concerns

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

ASSESSMENT

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

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

Policy 18 of the proposed Plan states that new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development are to be assessed against the relevant Supplementary Guidance.

Policy 1 in both LDPs requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which the adopted and draft PAANs 2 and 3 are relevant to this proposal. The relevant qualities in Policy 1 are being ‘Distinctive’, ‘Resource Efficient’, ‘Safe and Pleasant’ and ‘Welcoming’. The factors relevant to the proposal meeting the quality of being ‘Distinctive’ in the adopted LDP are to reflect local architecture and urban form and contribute positively to historic buildings and places. In Policy 1 of the proposed LDP, the relevant factors to meeting the quality of being ‘Distinctive’ are whether the proposal respects landscape setting and character, and urban form; reflects local vernacular/architecture and materials; and contributes positively to historic buildings and places. The relevant factors of being ‘Resource Efficient’ in both LDPs are making use of existing buildings and previously developed land and incorporating low and zero carbon

energy-generating technology. The relevant factors of being 'Safe and Pleasant' in both LDPs are whether the proposal avoids conflict with adjacent uses and minimises the impact of traffic and parking on the street scene. The relevant factors of being 'Welcoming' in both LDPs are integrating new development into existing communities and making buildings legible and easy to access. Additionally, Policy 20 of the proposed LDP requires the proposal to be assessed with regard to its potential impacts on the amenity, character and appearance of the area.

In terms of impacts on the amenity of neighbouring properties, I will consider the guidance given in the adopted and draft PAANs 2 and 3. Both PAAN 2s state that infill plots will be considered with reference to those in the locality relating to plot size, proportion of built ground to garden ground, distance of the building to garden boundaries, established street front building line, building height, roof design and use of materials and colours. Windows should comply with the window intervisibility guidance and side facing windows should be avoided, with the exception of bathroom windows fitted with obscure glazing, or where appropriate boundary screening is provided. On site car parking should also be provided in accordance with the National Roads Development Guide, to levels comparable with the established street pattern and be capable of being implemented without detriment to road safety.

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



The site as viewed from Wemyss Bay Road

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

The proposed dwellinghouse sits roughly in line with the neighbouring dwellings to the north-west at Fresh Creek and Ardvaar and will have similar distances to front and rear plot

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

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



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

It stands that the proposal meets the quality of being 'Distinctive' in Policy 1 of both LDP's and will have an acceptable impact on the character and appearance of the area (Policy 20). Further consideration is required regarding the impact on the setting of the neighbouring category 'B' listed building (Policy 29). I shall assess this against the guidance given in the "Managing Change in the Historic Environment" guidance note on 'Setting'. The guidance note identifies a

number of factors to be considered in assessing the impact of a change on the setting of a historic asset or place. Those relevant to this application are whether key views to or from the listed building are interrupted; whether the proposal would dominate or detract in a way that affects our ability to understand and appreciate the historic asset; and the visual impact of the proposal relative to the listed building.

The adjoining listed building at Dunloe contains a large front garden, with the building being set back from Wemyss Bay Road by just under 100 metres and it sits in a substantially recessed position from Wemyss Bay Road relative to the existing dwellinghouse at Ardvaar. The properties along Wemyss Bay Road sit on a gradient of around 1 in 20 which will result in the listed building being elevated relative to the proposed dwellinghouse by around 4 metres. The proposed dwellinghouse is to be around 73 metres from the listed building at its closest point, with the rear garage being slightly closer at around 59 metres. To the rear of the application site lies a bank of mature trees, which sits forward of the listed building relative to Wemyss Bay Road and clearly separates the two sites. I note that the front garden of the listed building contains an established level of planting around its boundaries, which clearly frame the garden and focus views from the listed building down the length of the garden towards the Firth of Clyde and not towards the application site. This is further emphasised by the bank of mature trees to the rear of the application site.

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

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

In considering the impacts of the proposal on drainage, I note the concerns raised in the objections over a lack of a drainage assessment and a lack of Sustainable Drainage System (SuDS) details on the application form. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP give consideration to drainage, stating that new development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters. As the proposal is for a single dwellinghouse, the provision of SuDS details is not required under these Policies. The Head of Service – Roads and Transportation, within her capacity as Flooding Officer, has confirmed that the proposal does not raise concerns that would require a Drainage Impact Assessment to be provided. As such, I am satisfied that the proposal presents no conflict with adopted LDP Policy 9 or proposed LDP Policy 10.

With regard to Policy 11 of the adopted LDP and Policy 12 of the proposed LDP and the impacts on traffic and parking on the street scene, I note the concerns raised in the objections over additional traffic resulting from the development, the provision of an additional entrance

onto Wemyss Bay Road, lack of details regarding the new entrance onto Wemyss Bay Road and the new entrance being sited outwith the red line boundary. In considering these matters, I turn to the consultation response received from the Head of Service – Roads and Transportation. She raises no objections to the proposal in terms of parking or road safety issues, noting that the driveway provides sufficient space for parking in accordance with the National Roads Development Guidelines. I concur with her remarks and consider that the provision of these spaces can be addressed by condition. Regarding matters concerning parking space sizes, gradients and driveway materials, these can also be addressed by means of condition. It is also noteworthy that Transport Scotland raises no objections to the proposal. Based on the above, I consider that the proposal complies with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. Furthermore, it will have an acceptable impact on traffic and parking on the streetscene, as required to meet the quality of being 'Safe and Pleasant' in Policy 1. Taking into consideration all of the above, the proposal raises no conflict with the aims of both PAAN 2s, and therefore is in accordance with Policy 18 of the proposed LDP.

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

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

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

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

In conclusion, the proposal is in accordance with adopted LDP Policies 1, 6, 8, 9, 10, 11 and 29 and proposed LDP Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29. Section 25 of the Town and

Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. As the proposal is in accordance with the relevant policies in both the adopted and proposed Local Development Plans and there are no material considerations which would warrant refusal of the application, I conclude that planning permission should be granted, subject to conditions.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That prior to the commencement of development, full details of boundary treatments between the site of the existing dwellinghouse at Ardvaar and the dwellinghouse hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved boundary treatments shall thereafter be used unless a variation is approved in writing by the Planning Authority.
2. Prior to their use, samples of all facing materials to the dwellinghouse hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. All surface water shall be contained within the site.
4. The dwellinghouse hereby permitted shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies (rising to at least 20% by the end of 2022), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the buildings.
5. The dwellinghouse hereby permitted shall be designed to include at least one trickle charging point made accessible for the charging of electric vehicles, details of which shall be submitted to and approved in writing by the Planning Authority and implemented, all prior to the occupation of the house.
6. The dwellinghouse hereby permitted shall not be occupied until two off-street parking spaces, each measuring a minimum of 3.0m x 5.5m have been provided within the site.
7. The driveway and garage access hereby permitted shall be paved for a minimum distance of 2.0m adjacent to Wemyss Bay Road and the gradient shall not exceed 10% all prior to occupation of the dwellinghouse.
8. In the event that previously unrecorded contamination or Japanese Knotweed is discovered during site development, works shall be brought to the attention of the Planning Authority, works shall cease immediately and the site made safe. Works shall not continue until a Remediation Scheme has been submitted to and approved, in writing by the Planning Authority.

Reasons:

1. To ensure that an appropriate boundary treatment is provided in the interests of visual amenity.
2. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
3. To ensure the development does not increase the risk of flooding to neighbouring properties or to Wemyss Bay Road.
4. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

5. To ensure adequate provision is made to encourage the use of electric vehicles.
6. To ensure suitable parking provision for the new development in the interests of road safety.
7. To ensure the provision of adequate driveways and to prevent loose material being carried onto the road.
8. To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

Stuart Jamieson
Interim Service Director,
Environment & Economic Recovery

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

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 road 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.

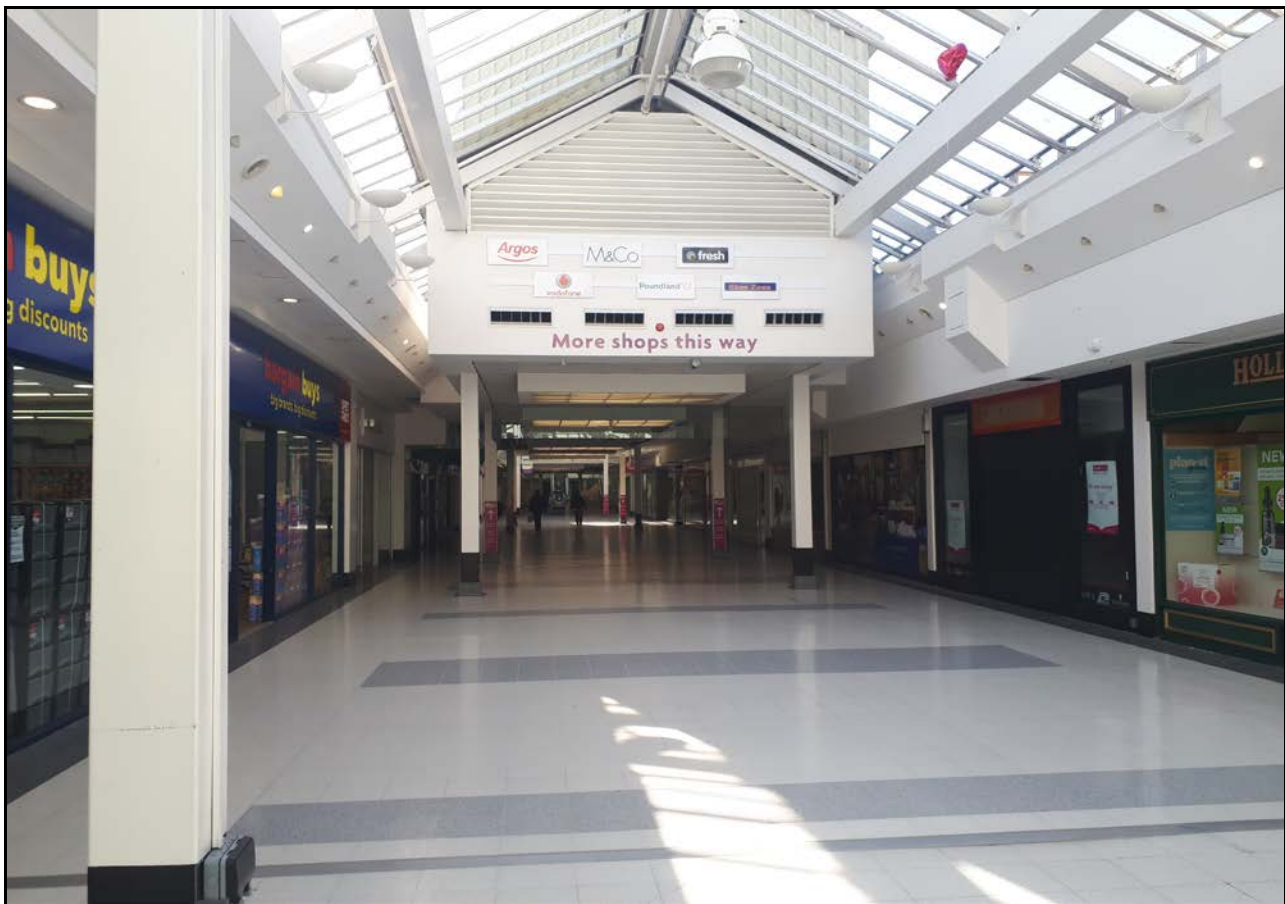
The elevation of Block 1 fronting the Municipal Buildings is to be mainly finished in a complementary reconstituted stone. This stone will continue along part of the façade to the walkway connection from Clyde Square to the Oak Mall. The elevation to the trunk road is indicated as brickwork but given 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

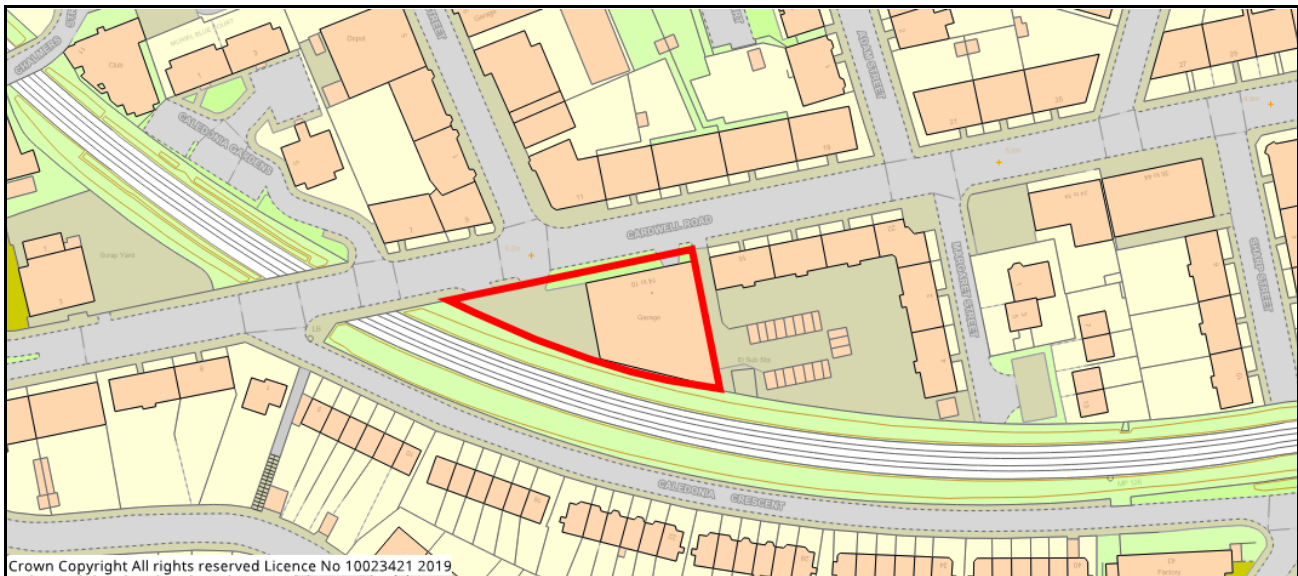
Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

Report To: The Planning Board **Date:** 3 November 2021

Report By: Interim Service Director,
Environment & Economic Recovery **Report No:** 21/0086/IC
Plan 11/21

Contact Officer: David Ashman **Contact No:** 01475 712416

Subject: Erection of new convenience retail store, construction of car park and associated works at
10 Cardwell Road, Gourock



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

Report To: The Planning Board

Date 3 November 2021

Report By: Interim Service Director,
Environment & Economic Recovery

Report No: 21/0198/IC
Plan 11/21

Local Application
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

Subject: Formation of community garden (amendment to planning permission 21/0050/IC in respect of garden layout, including change of surfacing, change of materials to planters, additional shed, relocated shed and timber fence) (partially in retrospect) at Lyle Kirk, 31 Union Street, Greenock.



SUMMARY

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Seven objections have been received raising concerns over road safety and parking, noise and disturbance, overlooking, litter, improper notification and the retrospective nature of the proposal.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

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

SITE DESCRIPTION

The application site comprises the Category 'B' listed Lyle Kirk located on the south-west side of Union Street, Greenock. Built in 1871, the building remains in use as a church and is finished with grey slate roofing; bull faced rubble walls and contains a tower that fronts onto Union Street in the north corner of the site. The site covers just over 0.18 hectares of ground, predominantly covered by the church building, with an area of open church grounds located to the south-east of the church building towards the rear of the site. This area covers approximately 250 square metres and is largely the subject of this application.

This area is mostly covered by a new red concrete sett paved surface which extends along the side of the church building to meet the frontage on Union Street, with the exception of a soft landscaped embankment approximately 2.75 metres in width along the south-west boundary. The paved surface is topped with ten stone planters covered with a mix of creamy-pink and buff render finishes, all topped with red coping stones. Nine of the planters are positioned in a 3x3 grid in the centre of the area, each measuring approximately 2 metres by 1 metre. The tenth stone planter measures approximately 12 metres in length and is positioned along the north-east boundary. The site contains two timber sheds, one adjacent to the entrance and the church wall and the other positioned along the south-east boundary adjacent to the embankment. Further along the south-east boundary from the shed a raised platform measuring 3 metres by 1.5 metres by 0.25 metres in height has been constructed.

The site is bound by the church building to the north-west; a 19th Century villa which is currently occupied by a nursery and the Italian Club to the north-east; the rear garden of a flatted residential property to the south-east; and an area containing lock-up garages to the south-west. Boundary treatments consist of a mixture of red brick walls and timber fencing.

The site is located within the Greenock West End Conservation Area.

PROPOSAL

Retrospective planning permission is sought for a number of additional works carried out on top of works previously approved in April 2021 for the formation of a community garden. These works relate to alterations to the previously approved garden layout and include: the installation of a red concrete sett paved surface within the garden area and along the south-east side of the church; a change of materials to previously approved planters from timber to stone with a render finish; the erection of an additional timber shed along the south-west elevation of the site; the relocation of the previously approved timber shed adjacent to the church building; the erection of a new 1.8 metre high horizontal panel timber fence along the north-east boundary; and the installation of associated external lighting.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 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 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.

Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas” applies.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

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

Policy 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 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 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.

Draft Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas” applies.

CONSULTATIONS

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

- It is anticipated that the community garden will be used outwith the times of services. This means that the impact of those using the garden will be less than when there is a church service in progress.
- No objection.

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

Following on from consultations on the previous application:

- That the discovery of Japanese Knotweed or any previously unrecorded contamination 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. This is recommended in order to ensure that all contamination and Japanese Knotweed concerns are managed appropriately.
- An advisory note is recommended to obtain soil infill for planters from a known or reputable source.
- All external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy Consumption”. This is recommended in order to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on the 16th July 2021 due to development affecting the setting of a listed building within a Conservation Area.

SITE NOTICES

A site notice was posted on the 16th July 2021 due to development affecting the setting of a listed building within a Conservation Area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Seven representations were received, objecting to the proposal. Concerns were raised as follows:

Procedural concerns

- This Development is not a proposal as the work has been going on for months before this permission has been granted.
- To send out a planning application retrospectively after near completion shows the lack of professionalism with the Council and associated planners.
- Inaccuracy of application. Work has been ongoing for months and it seems to be complete, whilst some neighbours were only officially notified between 20th July and 4th August 2021.
- Adjoining residential properties have not been fully notified.
- No proper consultation made.
- Neighbour notification incorrect.
- 27 Union Street is the only residential property that borders this garden and yet the Planning department have not notified the four tenants.
- Inaccuracies over the tree declaration in the application form as there are trees bordering the site.

Road safety concerns

- Lack of parking for neighbouring residents when the garden is in use.
- Safety concerns over additional traffic being generated by the use.
- Objections raised on the grounds of no additional parking being provided.
- Road safety concerns as the road directly outside the venue has recently had a fatal road traffic collision between a car and pedestrian. Increasing the footfall to the area will increase the risk of this happening again.
- Safety issues over increased footfall and traffic levels when events are taking place.

Amenity concerns

- Objections raised over sound levels from persons using the garden area.
- Loss of privacy in neighbouring gardens.
- The elevated platform, which was previously described as a stage, will cause the loss of garden privacy.
- Increased noise levels, disturbance and risk of litter. No bins on plans.
- Concerns over anti-social behaviour when the area is used for events.
- Concerns over the lights assembled allowing for evening and night time events to take place.
- Lack of detail regarding opening and closing times of the garden.

Other concerns

- Reasons for carrying out the works are fabricated as there has been no anti-social behaviour, drinking or drug taking in the area.
- The Planning committee are riding roughshod over the neighbours of Ardgowan Street and Union Street.
- Negative impact on the value of neighbouring properties.

ASSESSMENT

The material considerations in the determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); Scottish Planning Policy (SPP); Planning Application Advice Note (PAAN) 5 on "Outdoor Seating Areas"; draft Planning Application Advice Note (PAAN) 5 on "Outdoor Seating Areas"; the Greenock West

End Conservation Area Appraisal; Historic Environment Scotland's "Historic Environment Policy for Scotland" and the "Managing Change in the Historic Environment" guidance note on 'Setting'; the impact of the proposed development in preserving and enhancing the pattern of development, special character and amenity of the Conservation Area; the impact of the proposed development on the listed building; the consultation responses; and the representations received.

SPP recognises that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character or appearance. Both LDPs locate the application site within the Greenock West End Conservation Area under Policy 28. Policy 28 requires the proposal to preserve or enhance the character and appearance of the area, whilst having regard to Historic Environment Scotland's policy and guidance. As the proposal is located within the grounds of a listed building, Policy 29 is also applicable.



View from within the garden looking towards the Category 'B' Listed Lyle Kirk

Policy 1 in both LDPs is also of relevance and requires all development to have regard to the six qualities of successful places, of which the relevant qualities to this application are being 'Distinctive', 'Easy to Move Around' and 'Safe and Pleasant'. The factors relevant to the quality of being 'Distinctive' in the adopted LDP are to reflect local architecture and urban form and to contribute positively to historic buildings and places. In the proposed LDP, the relevant factors to meeting the quality of being 'Distinctive' are whether the proposal respects landscape setting and character, and urban form; reflects local vernacular/architecture and materials; and contributes positively to historic buildings and places. To meet the quality of being 'Easy to Move Around', the proposal is advised to create landmarks to make areas legible and easy to navigate. To meet the quality of being 'Safe and Pleasant', the proposal should avoid conflict with adjacent uses and minimise the impact of traffic and parking on the street scene.

In considering the impacts of the proposal on the urban form and character of the Conservation Area (Policy 28), as well as the impacts on the character of the listed building, I note the "Managing Change in the Historic Environment" guidance note on 'Setting'. The guidance note states that planning authorities must take into account the setting of historic assets or places when making decisions on planning applications. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

The Greenock West End Conservation Area Appraisal identifies the application site as being within the Central Area of the Conservation Area which was predominantly developed around the mid-19th Century and is largely residential. The Central Area is more varied in architectural style and property type compared to the north-west and south-east areas. The Appraisal identifies the church as being a landmark which notably punctuates the grid, providing a marker on Union Street and a key feature within the Central Area of the Conservation Area. The Appraisal advises that in assessing planning applications, the Council shall consider them in relation to the relevant LDP Policies.

The proposal is largely located within the rear grounds of the building, with only the access path being visible from the streetscape. The use of concrete 'sett' paving provides a clearly marked access route throughout the site, replacing a non-traditional tarmac surface with a surface which can be considered acceptable with regard to the character and urban form of the area. I consider the choice of surfacing will distinguish the site entrance, making the area legible and easy to navigate. Furthermore the provision of a paved surface throughout the community garden allows the garden to be fully accessible for all users, in accordance with meeting the quality of being 'Easy to Move Around' in Policy 1 of both LDPs.

In considering the design of the proposal, the additional features which have been installed, namely the additional shed, the barbecue area and the timber boundary fence are features commonly found in mainly residential areas and are subordinate in scale and position to the listed building, which forms a notable landmark in this part of the Conservation Area. I note that timber fencing is currently in use along the south-west site boundary and, as such, the new timber boundary fence can be considered to have an acceptable impact on the character of the surrounding area. The change in materials to the planters can be considered visually acceptable and an acceptable departure from the timber planters previously approved. The proposal does not impact on the church's prominence as a key feature within the Central Area of the Conservation Area and can be considered in accordance with the advice given in the Greenock West End Conservation Area Appraisal. It stands that the proposal meets the quality of being 'Distinctive' in Policy 1 of both LDPs and accords with the "Managing Change in the Historic Environment" guidance note on 'Setting'.

With regard to meeting the quality of being 'Safe and Pleasant' in Policy 1, notably through avoiding conflict with adjacent uses, I note the concerns raised in the objections received over noise and disturbance from persons using the garden, in particular the provision of external lighting allowing for evening and night-time events to take place and a loss of privacy resulting from the use of the raised platform. At 4.5 square metres, the platform is considered small in scale and unlikely to result in unacceptable levels of noise and activity to the detriment of neighbouring properties. In considering noise and disturbance resulting from the wider garden area, noise nuisance is covered by legislation under the control of the Head of Public Protection and Covid Recovery. I note that he offers no objections to the proposal in terms of noise nuisance to neighbouring properties. In considering concerns over a loss of privacy resulting from the raised platform, both PAAN5s state that where positioned within 9 metres of the garden boundary and where it will result in an increased view of the neighbouring private/rear garden area, the erection of screening shall generally be required. I note that the raised platform has been reduced in height from what was previously approved to a height of 0.25m. The adjoining boundary wall sits at approximately 2.1m, being 1.85m above the platform floor. This is an acceptable height for boundary screening. Taking this into account, I consider the raised platform to be appropriately designed and positioned for the context of being within the grounds of a listed building and to be in accordance with the requirements in both PAAN 5s.

Further consideration is required as to whether the proposal meets the quality of being 'Safe and Pleasant', in particular whether it has an acceptable impact on traffic and parking on the street scene. I note the objections raised over a lack of available parking for residents when the garden is in use and no additional parking being provided as well as safety concerns for pedestrians and road users raised as a result of increased footfall and traffic when the garden is in use. In considering this, I turn to the consultation response provided by the Head of Service – Roads and Transportation. She offers no objections to the proposal in terms of traffic management and road safety, stating that it is anticipated that the community garden will be

used outwith times of church services and that the impact of those using the garden will have less of an impact on traffic management and road safety than the church when it is in use. I concur with her remarks and consider that the proposal will not impact on traffic and parking in the street scene, meeting the quality of being 'Safe and Pleasant' in this regard.

Turning to the other comments provided in the consultation received from the Head of Public Protection and Covid Recovery, I note the condition requested relating to Japanese Knotweed, which follows on from the condition on the previous consent and consider this matter can be again be addressed by condition. I note the concerns raised in the objections over the lighting provided within the garden. Any potential nuisance issues relating to lighting are most appropriately controlled by other legislation and can be addressed by means of an advisory note alongside the other advisory note recommended.



The application site as viewed from the entrance gate.

Turning to the concerns raised in the objections not yet addressed above, firstly regarding objections that the work has been going on for months before permission has been granted, the planning application being submitted retrospectively after near completion and inaccuracies in the application in this regard, a previous planning application was considered and determined by Inverclyde Council on the 19th April 2021. Following the issuing of the planning permission, works commenced on site, at which point a number of complaints were raised from neighbouring properties regarding a lack of notification of the works. After a review of the neighbour notification process it was identified that two properties had been omitted from the neighbour notification process. This was due to an error in the corporate gazetteer. Concurrently, the applicant continued with the work on site but had deviated away from the proposals which they gained planning permission for. This matter was investigated and a fresh planning application was subsequently submitted to address the changes to the previous consent. Regarding inaccuracies, the application is stated to be partially in retrospect, as this was the state of works when the application was submitted.

Turning to objections raised over improper notification, all neighbours within 20 metres of the boundary of the application site, inclusive of all four tenants at 27 Union Street were duly notified and afforded the 21 day period to submit representations for this application. Due to the development affecting a listed building and conservation area, a site notice was displayed in the

locality in line with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under the Regulations the application was also advertised in the Greenock Telegraph on the 16th July 2021. Consultations were fully undertaken in accordance with the requirements in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

Concerns over possible anti-social behaviour including persons littering are speculative in nature and claims of past anti-social behaviour being fabricated are not a planning related consideration, however there is nothing to suggest that this risk would be increased or decreased by the development. In considering concerns over no bins being provided on the plans, the garden area forms part of the church grounds and would make use of existing waste facilities. Concerning inaccuracies over the tree declaration in the application form, it was noted during the processing of the application that there are four trees located within the site. However, notwithstanding the inaccurate description on the application form, this has no bearing on the assessment of the planning merits of the proposal. The impact of the proposal on neighbouring property values is not a planning related concern.

Based on the above assessment, I am satisfied that the proposal has an acceptable impact on the setting of the listed building and wider Conservation Area and therefore I consider the proposal to be in accordance with the aims of Policies 28 and 29 of both LDPs. The proposal can be considered to have an acceptable impact on the amenity, character and appearance of the area and therefore is in accordance with Policy 20 of the proposed LDP.

In conclusion, the proposal is in accordance with LDP Policies 1, 28 and 29, proposed LDP Policies 1, 20, 28 and 29 and the "Managing Change in the Historic Environment" guidance note on 'Setting'. Furthermore I consider that the proposal manages the historic environment with intelligence and understanding and therefore accords with the requirements of Historic Environment Policy for Scotland. As the proposal is in accordance with the relevant Plan Policies and there are no material considerations which would warrant refusal of this application, planning permission should therefore be granted subject to a condition.

RECOMMENDATION

That the application be granted subject to the following condition:

1. That the discovery of Japanese Knotweed or any previously unrecorded contamination 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.

Reason:

1. In order to ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

Stuart Jamieson
Interim Service Director
Environment & Economic Recovery

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

Report To: The Planning Board

Date 3 November 2021

Report By: Interim Service Director,
Environment & Economic Recovery

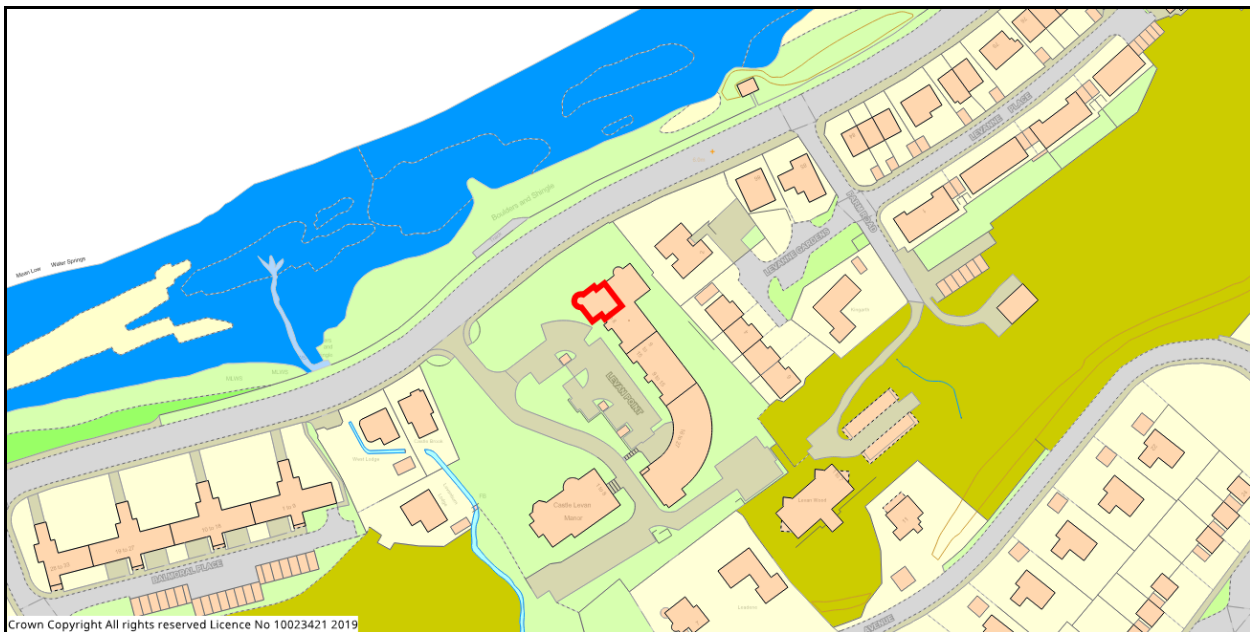
Report No: 21/0281/IC
Plan 11/21

Local Application
Development

Contact Officer: David Sinclair

Contact No: 01475 712436

Subject: Proposed installation of French doors at
1 Levan Point, Gourock



SUMMARY

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Thirteen objections have been received raising concerns over design, visual impact and impacts on communal garden grounds.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QZ H2N6IMJPA00>

SITE DESCRIPTION

The application site comprises a ground floor flatted property, located in the north-west corner of a 'J' shaped residential building on the south side of Cloch Road, Gourrock. Built around 2000, the building is three storeys in height and split into three blocks, with each block being one storey taller than the adjoining block to the north. The building is finished with a grey slate roof; a mixture of buff stone and white render walls; white timber sash and case windows with buff stone sills, lintels and mullions; and black uPVC rainwater goods. Each apartment in the building contains a small balcony framed with a white metal balustrade, accessed from a white uPVC door paired with a fixed single pane window.

PROPOSAL

Planning permission is sought to replace the middle of the three double windows on the north facing ground floor elevation with a set of inwards opening French doors. The doors are proposed to measure the same width as the existing window, being extended to ground level and will be finished in white uPVC.

Additional works to install two steps to provide safe access through the proposed doors are proposed to be carried out alongside the proposal, however these works are permitted development under Class 4A of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 and do not require assessment in this application.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

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

Policy 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.

CONSULTATIONS

None required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Thirteen representations were received objecting to the proposal. Objections were raised as follows:

Amenity Concerns

- Concerns over damage being done to the landscape from children playing in the gardens.
- Persons using the new means of entry and exit would cause wear to the common lawns.

Design and Visual Impact

- The inclusion of this change upsets the balanced look from Cloch Road with no added value to the appearance.
- The works would spoil the impressive frontage of Levan Point and alter the character and visual appeal of the award winning structure.
- The application should be refused permission to keep the integrity and appearance of this unique residential complex complete.
- An alteration now will upset the aesthetics of the building and set a dangerous precedent for its future integrity.
- The existing "French doors" were included in the original plan specifically because a neighbouring flat was the only unit without a balcony.
- The plan submitted, whilst presumably adequate for the application, does not show the whole elevation and therefore misses the detrimental effect of the proposed alteration on that elevation. This elevation is of course what people first see when passing and judging the architecture of Levan Point.

Procedural Concerns

- Concerns that there is a part missing from the plans as the Plan view shows a step to gain access from/to the common land owned by the other 25 residents as well as the applicant.
- Concerns over the accuracy of the ownership statement in the application form as the present owner of Flat 1 does not own the land at the front of this property. It is communal garden owned and maintained by all 26 owner residents. Not as stated on the proposal.
- Concerns that the application is inconsistent, describing the installation of French doors, yet its accompanying drawing indicates Patio doors.

Other Concerns

- Concerns that occupants using the balcony as an access might lead to a break-in.
- Objections over washing out in the garden even though this is not allowed.
- Should approval be granted conditions should include that no external work be permitted in relation to the construction of any type of hard standing, patio, slab area, patio/garden furniture or access path without the approval by the majority of the proprietors as per deed conditions of the development.
- Concerns that the applicant will construct a paved/mono block or wooden decking patio adjacent to the doors and step/s.
- The title deeds clearly state that there is to be no alterations or changes to the design of the property by owners.
- The owner has already broken the rules by removing a section of handrail on the balcony to allow access to the kitchen from the drive, across communal gardens instead of using the existing main entrance to the flat.

- The proposed changes are contrary to the legislation prohibiting the alteration to the dimensions of windows in a flatted development.
- There is no need for a further exit.
- The application would allow the occupant to have direct access and private use of the common prime land that provides the character of Levan Point and is its main feature.

ASSESSMENT

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); and the representations received.

The application site is located within an established residential area where Policy 1 of both LDPs and Policy 20 of the proposed LDP are applicable. Policy 1 of both LDPs requires all development to have regard to the six qualities of successful places and where relevant, applications will also be assessed against the Planning Application Advice Notes. There are no relevant advice notes. The relevant qualities in Policy 1 of both LDPs are being 'Distinctive' and 'Safe and Pleasant'. In the adopted LDP, the relevant factor of being 'Distinctive' is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors of being 'Distinctive' are whether the proposal respects landscape setting and character, and urban form; and reflects local vernacular/architecture and materials. To meet the quality of being 'Safe and Pleasant', the proposal should avoid conflict with adjacent uses.



View of building from Cloch Road. The window in question is identified above.

The proposal is located on the north side of the building and faces onto Cloch Road, forming part of one of the two elevations visibly prominent from the public realm. In considering landscape setting and urban form, the proposal will involve converting an existing double window into a set of internally opening French doors which do not project beyond the established building line. It stands that the proposal will have acceptable regard to the urban form of the area. In considering whether the proposal reflects local architecture and materials, I note that the elevation on which the proposal is to be positioned already contains two white uPVC doors, one on the ground floor at the eastern end and one on the second floor, providing access onto the projecting balcony. The choice of materials and finishes proposed matches the existing white uPVC doors on this frontage and can therefore be considered to reflect the

existing character of the building. I consider the proposal complies with all relevant factors with regard to meeting the quality of being 'Distinctive' in Policy 1.

In considering the appearance of the proposal and the visual impact on the building (Policy 20 of the proposed LDP), I note the concerns raised in the objections over the visual impact on the building's frontage and concerns over the proposal being detrimental to the balance on the building. The building is of a bespoke design and the elevation which the proposal is to be sited on is asymmetrical, containing two and three storey sections and two projecting curved bay windows which differ in scale and relative position on the building. I note that the building contains three sets of double windows between the bay windows, the middle set of double windows at ground floor level being the subject of this proposal. Taking this into consideration, I am satisfied that the proposal does not impact on the overall balance of this elevation and as the choice of materials and finishes proposed reflect the existing situation, I consider that the proposal will not have a detrimental impact on the overall character and appearance of the building. It stands that the proposal accords with proposed Plan Policy 20 in this regard.



View of the building from Cloch Road. Window in question is seen as partially obscured from this angle.

In considering the impacts of the proposal on neighbouring amenity, the proposal is unlikely to create conflict with neighbouring uses in terms of noise or invasion of privacy, therefore it meets the relevant factors to be considered as 'Safe and Pleasant' in Policy 1 of both LDPs. I note the concerns over the proposal increasing the risk of break-ins. Concerns over possible anti-social behaviour and damage to property are speculative in nature and alone do not merit refusal of the application.

Turning to the points raised in the objections not yet addressed, regarding a condition restricting the formation of a hard surface outside the French doors, the formation of any hard surface or patio would likely be restricted under planning legislation and would require to be assessed under a separate application. Works carried out to remove part of the existing balcony handrail are considered as permitted development in planning terms and are therefore irrelevant to the assessment of this application. Regarding legislative restrictions on altering windows in a flatted development, these restrictions require planning permission to be obtained prior to any works being carried out.

Regarding land ownership disputes and issues related to title deeds, these are civil matters to be discussed between the parties involved and are not planning related considerations,

however it is noted that the objections in this regard relate to the adjoining shared communal area, which is shown to be outwith the red line boundary on the location plan submitted and does not form part of the site. I acknowledge that the proposal would allow the applicant direct access to the common land, however there is nothing in the proposal which suggests that any part of the common land would become restricted for private use or increase the likelihood of damage to the landscape from children playing or other activities taking place within the communal garden.

Regarding concerns over discrepancies in the types of doors described in the application and drawings, both the application and drawings state that the proposed doors are to be French doors, with no reference made to patio doors in the drawings. I note the reason given for the original French doors on another property. Finally, whether or not the applicant needs a further exit is not a planning consideration.

In conclusion, the proposal is in accordance with LDP Policy 1 and proposed LDP Policies 1 and 20. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal accords with all relevant Plan Policies and there are no material considerations which would warrant refusal of the application, planning permission should therefore be granted.

RECOMMENDATION

That the application be granted.

Stuart Jamieson
Interim Service Director
Environment & Economic Recovery

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

Report To: The Planning Board

Date: 3 November 2021

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

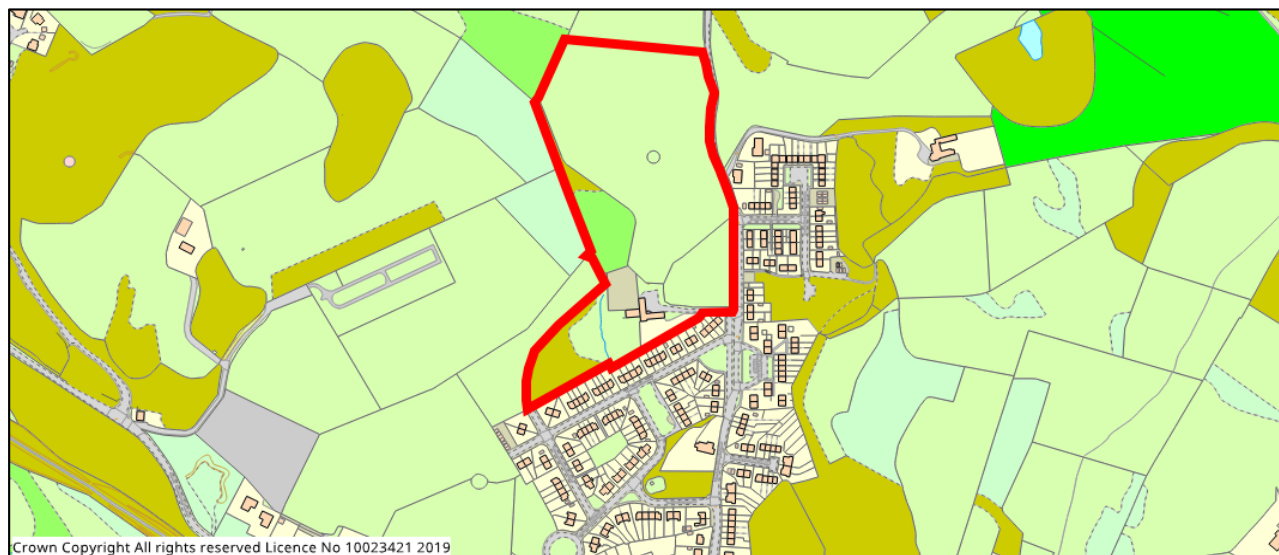
**Report No: 18/0322/IC
Plan 10/21**

**Major Application
Development**

Contact Officer: James McColl

Contact No: 01475 712462

**Subject: Notification of planning appeal submission: Proposed residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space at
Land at Planetreeyetts, Kilmacolm**



SUMMARY

- The planning application was refused by Inverclyde Council.
- The applicant has appealed the decision to the Scottish Ministers.

Appeal documents may be viewed at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121778>

INTRODUCTION

In May 2021, the Council refused planning permission in principle for a residential development of circa 100 units including 25% affordable and associated infrastructure, landscaping and open space on land at Planetreeyetts, Finlaystone Road, Kilmacolm.

The reasons for refusal were as follows:

1. That due to unacceptable tension with the principles set out in paragraph 29 of Scottish Planning Policy it cannot be concluded that the proposal constitutes sustainable development.
2. The proposal would undermine the plan-led process and result in a cumulative impact with the proposed plan-led and proportionate expansion of Kilmacolm with a resultant inappropriate level of new housing development, contrary to the Vision and Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan.
3. The proposed development is contrary to the Spatial Development Strategy of the 2017 Clydeplan Strategic Development Plan as it is an unjustified urban development which is outwith the development corridor identified in the Plan and it fails accord with the Green Belt objectives.
4. The proposal is contrary to Policy 14 of the adopted 2019 Inverclyde Local Development Plan and Policy 15 of the 2021 proposed Inverclyde Local Development Plan in that it fails to accord with the objectives of the Green Belt.
5. The proposal is contrary to the aims of Policy 10 of the adopted 2019 Inverclyde Local Development Plan and Policy 11 of the proposed 2021 Inverclyde Local Development Plan in that it will generate significant traffic demand by private car, would not constitute low carbon placemaking and would be inappropriately located.
6. The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of the 2017 Clydeplan Strategic Development Plan, Policy 1 of the adopted 2019 Inverclyde Local Development Plan and Policy 1 of the proposed 2021 Inverclyde Local Development Plan.
7. The proposed development cannot be held to protect the quality, character, landscape setting and identity of the village which results in it being incompatible with the requirements of Policy 34 of the proposed 2021 Inverclyde Local Development Plan.
8. The loss of trees, which have a significant landscape value, are not justified with reference to each of the criteria set out within Policy 34 of the adopted 2019 Inverclyde Local Development Plan and Policy 35 of the proposed 2021 Inverclyde Local Development Plan.

NOTIFICATION OF APPEAL

Notification has been received that an appeal against the refusal of planning permission in principle has been lodged with the Scottish Government. The administration process in respect of the appeal is at an early stage and notification of the appointed Reporter together with details of the likely procedures the Reporter will deem appropriate to undertake the full consideration of the case is awaited.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Interim Service Director
Environment & Economic Recovery

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

Report To: The Planning Board

Date: 3 November 2021

Report By: Interim Service Director,
Environment & Economic Recovery

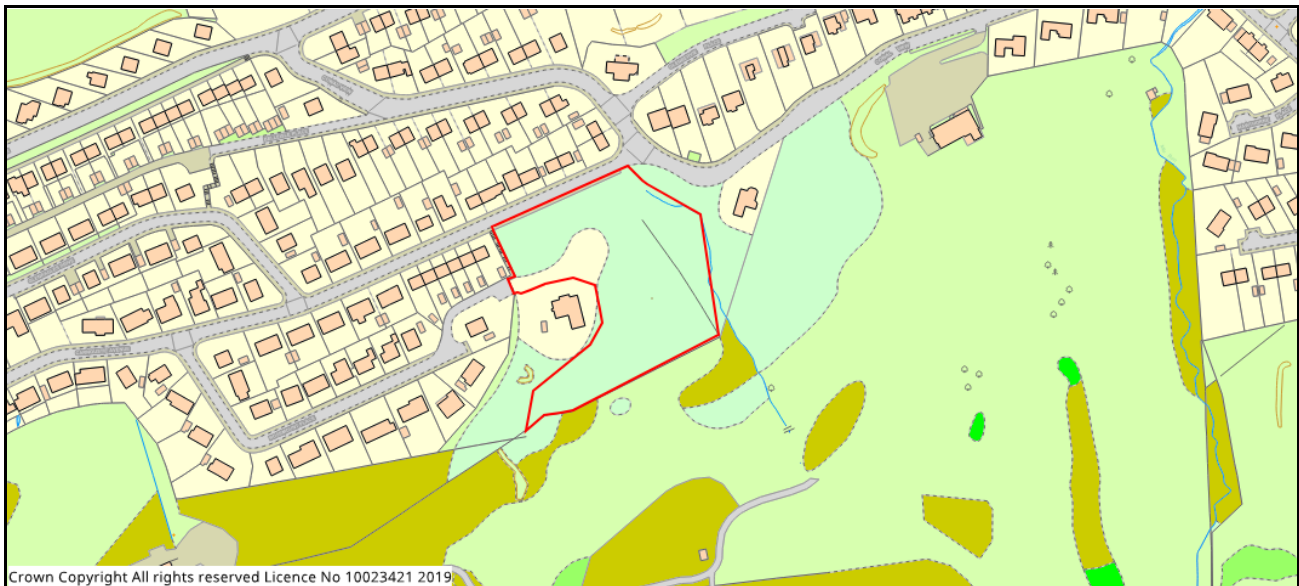
Report No: 20/0186/IC

**Local Application
Development**

**Contact
Officer:** Sean McDaid

Contact No: 01475 712412

Subject: Notification of Appeal Decision by Scottish Ministers: erection of six detached dwellinghouses/house plots (planning permission in principle) at Land adjacent to 24 Rosemount Place, Gourrock



SUMMARY

- Planning permission was refused by the Planning Board at its meeting in May 2021.
- The applicant appealed the decision to the Scottish Ministers and sought an award of costs.
- The appeal has been UPHELD and costs AWARDED to the appellants.

The appeal and costs decision letters may be viewed at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121686>

INTRODUCTION

In May 2021 the Planning Board, following a site visit, decided to refuse planning permission for the erection of six detached dwellinghouses/house plots (planning permission in principle) for the following reasons:

1. The proposed development fails to protect the historic Gourock Golf Club (established 1896) which borders the site and whose layout threatens to be compromised in contradiction to Scottish Planning Policy 2014. Paragraphs 135 and 136 state that the historic environment is a key cultural and economic asset and a source of inspiration and should be seen as integral in creating successful places and that planning has an important role to play in maintaining and enhancing the distinctive and high quality irreplaceable historic places which enrich our lives, contribute to our sense of identity and are important resources for our tourism and leisure industry. Paragraph 151 goes on to state that there is a range of non-designated historic assets, which do not have statutory protection and these resources are an important part of Scotland's heritage and should be protected and preserved as far as possible in situ wherever feasible.
2. The amount of additional traffic generated by the proposed development on the shared surface narrow access route with poor visibility splays could prove a danger to pedestrians and vehicles in contradiction to Local Plan Policy 1, Successful Places - Easy to move around - Be well connected, with good path links to the wider path network and public transport nodes and neighbouring developments. As well as contradicting the Roads Development Guide that considers the needs of pedestrians first when considering the design of any road layout. "2.2.4 Street Structure. b Connections to wider networks," states that - "The existing road network must be capable of coping with the existing as well as levels of all types of traffic generated by the development. The road and paths created within the development must connect into the existing road and other user networks in a logical and progressive manner."

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

NOTIFICATION OF THE APPEAL DECISION

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

In his decision the Reporter considers that having regard to the provisions of the development plan and all the other matters raised, the main issues are whether the appeal project would (a) unreasonably harm the nearby Gourock Golf Club and (b) result in danger for local road users.

The Reporter sees no basis for regarding the golf club or its course as historic assets as it is not within the ambit of SPP as it is not a conservation area, listed building, scheduled monument and archaeological site or garden and designed landscape. The Reporter concludes that no such asset would be affected by the appeal project. In terms of stray golf balls the Reporter agrees with the golf club that the prospect exists of balls being hit into the site however that is a prospect that exists now as well as at some time in the future when the appeal project might come to fruition. It is for the golf club, and not neighbouring residents or the appellant, to address the safety issue. The Reporter considers that there is scope for further planting within the golf course land that could eliminate, or at least very substantially reduce, the risk of balls being hit into the appeal site.

In terms of danger to road users the Reporter observed the existing shared surface part of Rosemount Place, which is an adopted road is about 4.8 metres wide. This means that two cars, proceeding slowly, should be able to pass each other. Problems arise at the moment from parking on the road, and from visibility around the bend about 30 metres from the appeal site boundary. If

the first problem amounts to obstruction it can be dealt with through standard traffic enforcement procedures. The second problem is not assisted by a hedge which overhangs the road, but that is something the roads authority is in a position to deal with if it wishes.

In his assessment, the fundamental point about the existing shared surface section of Rosemount Place is one where motorists are expected to adapt their behaviour to that of other road users. The bend has the potential to act as a natural traffic calming feature. The extension of Rosemount Place into the appeal site would allow for a hammer-head turning area which would accommodate bin lorries and this would improve existing circumstances. Being at the end of a cul-de-sac, the existing shared surface section of Rosemount Place has low traffic levels. The additional four houses within the appeal project that would be accessed from this direction would undoubtedly add to traffic here, but the amount of extra traffic from four houses would be limited. A substantial degree of control can arise from the imposition of conditions and of particular relevance here is a condition that would prevent access for construction vehicles via Rosemount Place (condition 5). With that in mind he is satisfied with the project's access proposals.

He therefore concludes that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. The appeal is upheld with 19 conditions as follows:

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval.

Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Details of the proposed layout are required to accord with condition 1 above. These shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas. The position of the houses in each plot shall be within the "POTENTIAL EXTENT OF PLOT BUILD ZONE" coloured pink on drawing AL(0)005 Rev A. The details shall allow for the following:

- (i) parking (including garages if not less than 3.0 metres by 7.0 metres in size) to be provided in accordance with the National Guidelines of one parking space for a 1-bedroom house, 2 parking spaces for a 2- or 3-bedroom house, and 3 parking spaces for a 4-bedroom house;
- (ii) visitor parking shall be at a standard of 0.25 space per house;
- (iii) the minimum dimensions of driveways shall be 3 metres wide by 5.5 metres long per bay and the driveway gradients shall not exceed 10%;
- (iv) any visitor parking spaces shall be a minimum of 2.5 metres by 5.0 metres in size and shall be located central to the site;
- (v) all roads within the site shall be a minimum of 4.8 metres wide;
- (vi) all footways within the site shall be a minimum of 2.0 metres wide; and
- (vii) all roads shall have a gradient of 8% or less.

Reason: to ensure a precise and acceptable form of development in the interests of future occupants, the proper functioning of the development, and the appearance of the locality.

3. The proposed floor plans and elevations of all buildings are required to accord with condition 1 above, including dimensions and type and colour of all external materials.

Reason: to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality.

4. Details are required to accord with condition 1 above of the type and colour of all hard surfacing materials.

Reason: to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality.

5. Details are required to accord with condition 1 above of the phasing of the development. The phasing details shall provide for construction of the houses on neither plot 4 or plot 5 (as identified on page 18 of the submitted Residential Design Guide) to start until construction of the houses on plots 1, 2 and 3 (as so identified) have been completed ready for occupation. The delivery of construction materials into the site for all phases of the development shall be taken from Carnoustie Avenue or Cowal View only.

Reason: in the interests of safety on local roads.

6. As soon as possible after each of the phases of the development approved under condition 5 above is completed (except for the last or final phase, for which notice shall be given under section 27B(1) of the Act) the person who has completed any phase shall give written notice of the completion of that phase to the planning authority.

Reason: to accord with section 27B(2) of the 1997 Act, as amended by the Planning etc (Scotland) Act 2006.

7. Details are required to accord with condition 1 above of the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The details shall include existing ground levels taken from the same fixed datum point. The details shall allow for the rear garden slopes of each plot to not exceed a maximum of 20 degrees.

Reason: to ensure a precise and acceptable form of development in the interests of future occupants.

8. Details are required to accord with condition 1 above of the proposed landscaping at the site. These details shall include
 - (i) details of any earth mounding, hard landscaping, grass seeding and turfing;
 - (ii) a scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted as well as identifying trees that are to be retained or removed;
 - (iii) details of the phasing of these works; and
 - (iv) proposed levels for the landscaping.

Reason: to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality.

9. Details are required to accord with condition 1 above of surface water management and Sustainable Urban Drainage Systems proposals. Land drains shall be incorporated into the proposals for each plot (as identified in the recommendation of the Flood Risk Assessment by Cundall, 18 December 2020). The discharge rate shall be at predevelopment greenfield run-off rates.

Reason: in the interests of satisfactory flood control for the site and the locality.

10. Details are required to accord with condition 1 above of all walls (including any retaining walls) and fences to be erected on the site.

Reason: to ensure a precise and acceptable form of development in the interests of future occupants and the appearance of the locality.

11. Details are required to accord with condition 1 above of the visibility splays to be provided in both directions at the junction of the new access with Carnoustie Avenue. The visibility splays shall be a minimum of 2.4 metres x 43.0 metres x 1.05 metres.

Reason: in the interests of road safety at and near that access.

12. Details are required to accord with condition 1 above of how the existing footpath from Carnoustie Avenue to Rosemount Place is to be connected to the development site. No house shall be occupied until the approved connection has been fully implemented as approved.

Reason: in the interests of local pedestrian circulation.

13. Details are required to accord with condition 1 above of low and zero carbon generating technologies to be installed in each house. Each house shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards (rising to at least 20% by the end of 2022) is met through the installation and operation of low and zero carbon generating technologies. No house shall be occupied until the approved details for that house have been fully implemented as approved.

Reason: in the interests of minimising carbon emissions.

14. Following approval of the matters referred to in condition 7 above, development shall not commence or continue until the trees to be retained have been protected by suitable fencing. Fencing shall be erected under at least the full extent of the canopy of broadleaf trees and at half the height of conifer trees as set out in BS5837/2012. Development shall not commence until details of the location and type of fencing have been submitted to and approved in writing by the planning authority.

Reason to ensure that trees to be retained are fully protected during construction.

15. Any site clearance work shall be undertaken outwith the bird breeding season (March to August inclusive) unless otherwise agreed in advance in writing by the planning authority. Any request to carry out site clearance works during the bird breeding season shall be accompanied with a pre-construction bird breeding survey.

Reason: to ensure the protection of birds within the site.

16. Details are required to accord with condition 1 above of an electric vehicle charging point for each house. No house shall be occupied before its charging point has been installed as approved.

Reason: in the interests of minimising carbon emissions.

17. No house shall be occupied until the existing bridge/crossing structure in the northeast part of the site over the watercourse (identified in appendix E photograph 3 of the Flood Risk Assessment by Cundall, 18 December 2020) has been completely removed.

Reason: to prevent flooding.

18. Details are required to accord with condition 1 above of a bank erosion prevention scheme along the watercourse running through the site. The details shall include any proposed

changes in ground levels in relation to a fixed datum point as well as any proposed structures.

Reason: to prevent flooding.

19. Details are required to accord with condition 1 above of the new grille at the outfall (as identified in the recommendation of the Flood Risk Assessment by Cundall, 18 December 2020) before the watercourse goes under the road. The details shall include details of the maintenance and cleaning of the grille. No house shall be occupied until the approved details have been implemented.

Reason: to prevent flooding.

With regard to the expenses claim he accepts as a generality that a decision on a planning application contrary to the advice of a planning authority's officers is not necessarily unreasonable. The test is whether there are sound planning reasons for that different stance.

He explains in relation to the first refusal reason the Council's contention that Gourock Golf Club is a historic asset of the sort protected by various planning policies is simply not substantiated by any evidence at all. The Council's argument arising from the potential for golf balls to be sliced from the 10th tee on the course into the appeal site ignores an important starting point in a proper argument on the matter. That starting point is the fact that that the site consists of residential garden ground already. If danger from sliced balls exists, it is a matter for the golf club to deal with, not a proper reason for refusing residential development on the appeal site. He finds the Council's stance on this wholly unreasonable.

He further explains that part of the Council's second reason for refusal depended on its assessment that if the appeal project were implemented the end-result would be a two-way road with footways at both ends, including a new section within the appeal site, with a narrow, shared surface, single lane in the centre. This is not what is proposed and to ignore what is clearly shown on the application plans and the professional advice on those plans were unreasonable. Similarly, all the points made by third parties in objecting to the access arrangements were dealt with fully in the professional advice before the Council. The Council had no proper basis to reach a different conclusion and the different conclusion it did reach indicates unreasonableness in his assessment.

He concludes that the Council has acted unreasonably causing the appellant to incur unnecessary expense because it should not have been necessary for the case to come before Scottish Ministers for determination.

Stuart Jamieson
Interim Service Director
Environment and Economic Recovery

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