

Ref: CM

Date: 29 March 2022

A meeting of the Planning Board will be held on Wednesday 6 April 2022 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 5 April 2022 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.

IAIN STRACHAN
Head of Legal & Democratic Services

BUSINESS

****Copy to follow**

1.	Apologies, Substitutions and Declarations of Interest	Page
2.	Planning Application Report by Interim Director, Environment & Regeneration on application for planning permission as follows:	
	LG04 Limited Erection of two storey office building (Class 4) and drive thru coffee shop (Class 3) with formation of associated car parking, formation of access off Cartsydyke Avenue, landscaping and ancillary works: Land at Cartsydyke Avenue, Greenock (21/0174/IC)	p
3.	Planning Appeals Report by Interim Director Environment & Regeneration intimating the outcome of a planning appeal at land at Planetreeyetts, Kilmacolm.	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: this meeting may be recorded or live-streamed via YouTube and the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting the Provost/Chair will confirm if all or part of the meeting is being recorded or live-streamed.

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If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact the Information Governance team at dataprotection@inverclyde.gov.uk

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

Report To: Planning Board

Date: 6 April 2022

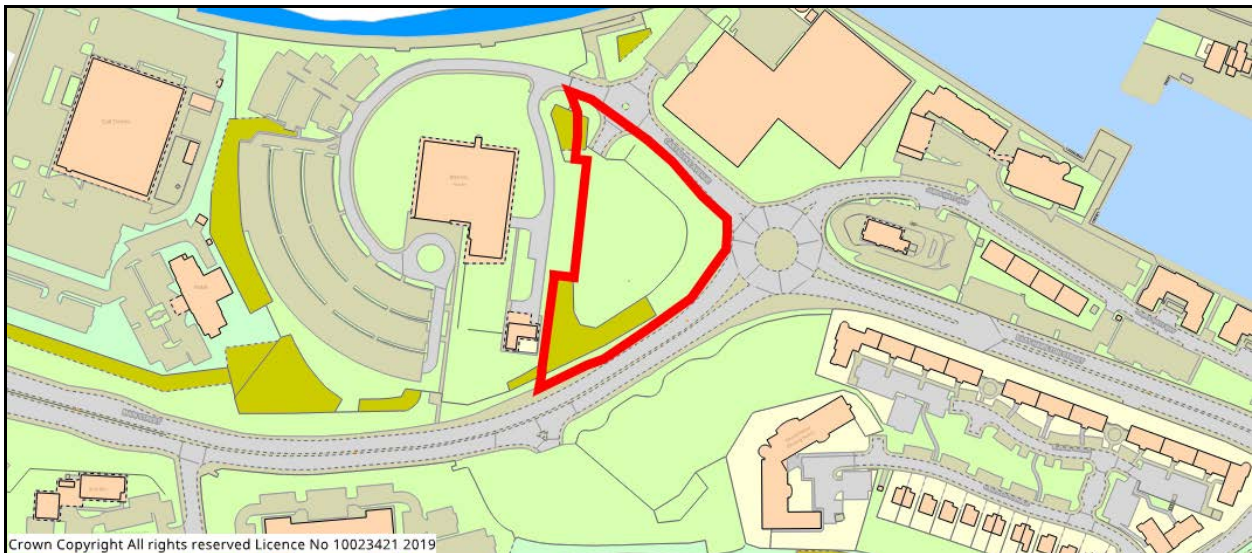
**Report By: Interim Director,
Environment & Regeneration**

**Report No: 21/0174/IC
Plan 04/22
Local Application
Development**

Contact Officer: Sean McDaid

Contact No: 01475 712412

**Subject: Erection of two storey office building (Class 4) and drive thru coffee shop (Class 3) with formation of associated car parking, formation of access off Carttsyke Avenue, landscaping and ancillary works at
Land at Carttsyke Avenue, Greenock**



The application may be viewed at:

[21/0174/IC | Erection of two storey office building \(Class 4\) and drive thru coffee shop \(Class 3\) with formation of associated car parking, formation of access off Carttsyke Avenue, landscaping and ancillary works | Land At Carttsyke Avenue Greenock \(inverclyde.gov.uk\)](https://www.inverclyde.gov.uk/21/0174/IC)

SUMMARY

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

SITE DESCRIPTION

The site is an irregular shaped area of land located to the west of the Cartsydyke Roundabout and south-west of Cartsydyke Avenue. The site is bounded on its south-east side by the curve of Main Street which is a dual carriageway. To the west there is a three storey office building known as Britannia House and to the north-east on the opposite side of Cartsydyke Avenue there is a shed/warehouse building that has grey coloured cladding panels on its walls.

The application site is approximately 0.88 hectares. There is a grass verge along the perimeter of the site with Cartsydyke Avenue and Main Street behind which trees and a hedge have been planted. The ground levels slope down from the grass verge towards the trees and the interior of the site. The interior of the site is overgrown and there are other trees and vegetation that are likely to be self-seeded.

There is a roundabout on Cartsydyke Avenue adjacent to the north part of the site and this has one of its legs running partially into the site. There is a field gate adjacent to this leg of the road.

PROPOSAL

It is proposed to erect a two storey office building parallel to the west boundary of the site. This building is to be aligned generally north to south and is to be approximately 30.5m long, approximately 12.5m wide and has a flat roof, the main part of which is approximately 8m high. The footprint of this building is to be 367 square metres with the floor space indicated as 720 square metres. The submitted plans show a foyer, stairwell and lift on the ground floor with two office units to either side as well as toilets. On the first floor there are to be two office units, toilets and a separate meeting room. There is to be an upward extension above the lift shaft that extends by approximately 1.5m above the highest part of the main part of the roof. The main external materials are indicated as being pre-cast concrete with white bricks, timber panels and glazing.

The proposed drive thru coffee shop is to be positioned at the east side of the site directly opposite the Cartsydyke Roundabout and generally parallel to Main Street. This building is to be aligned generally north-east to south-west and is to be approximately 21.5m long. The main part of the building is to be approximately 11.5m wide and includes a collection point that extends out from the east elevation by approximately a further 2.7m. The drive thru is to have a flat roof, the main part of which is 3.9m high. There is to be an upward extension where signs are intended to be displayed and this extends by 3m above the highest part of the main part of the roof. The roof is also cantilevered out over the east facing elevation by approximately 2.7m including over the drive thru collection point. The main external materials are to be timber panels, cladding panels and glazing. The floor area of the drive thru is to be 235 square metres.

The vehicular access into the site to be taken from Cartsydyke Avenue and this is to lead around to 31 parking spaces that are to be located in the area to the east and north-east of the office building. The parking spaces are to include 2 disabled spaces and 7 for electric vehicle charging, which are in the area to the north-east of the office building. 24 of the parking spaces are to be in two rows that flank an internal access road. There is to be a service yard at the north side of the office building.

The access road then continues to the proposed drive thru and 40 parking spaces located to the north-west, west and south-west of the building. There are to be 5 electric vehicle charging spaces in the area to the north-west. There is also to be an access road looping around the north-east and south-east sides of this building leading to the drive thru serving hatch.

A DDA compliant pedestrian access is shown on the submitted drawings off Cartsydyke Avenue with a separate stepped access from Main Street. The drawings also indicate a 2m offset around the perimeter of the site for a potential cycle lane.

There is to be hard surfacing in the areas to the immediate north-east and north-west sides of the drive thru building for outdoor seating. A pedestrian access path is shown leading into the

site from the existing footpath along Main Street and another from Cartsydyke Avenue. There are to be sub-stations for the electric vehicle charging to the north of 7 of these spaces.

Some of the existing trees and the hedge around the perimeter of the site would be removed and re-planting is to be carried out with extra heavy standard trees along parts of the perimeter. Heavy standard trees are proposed to be planted in a row towards the centre of the site between the parking areas and these are to continue on to the south boundary. The existing trees located towards the south part of the site are indicated as being retained and augmented. The area along the perimeter of the site to the south-east of the drive-thru is to be planted with shrubs.

The parking spaces are to be constructed from porous paving and surface water run-off from the proposed buildings, parking areas and roads is to be directed to an underground storage tank that is to be located towards the centre of the site before discharging to the north of the site along the access road via a hydro brake.

It has been indicated that the proposed office building will accommodate approximately 100 staff and the proposed drive thru will employ approximately 20 to 30 staff with approximately 50% being full-time posts.

A range of supporting documentation and information has been provided including: a Planning Statement; a Transport Statement; a Design Statement; a Drainage Strategy Report; Environmental Information; and a Flood Risk Assessment.

DEVELOPMENT PLAN POLICIES

Clydeplan Strategic Development Plan (approved July 2017)

The Spatial Development Strategy of Clydeplan supports a presumption in favour of sustainable development that contributes to economic growth. The regeneration focus looks to direct development to sustainable brownfield locations maximising the use of existing infrastructure and assets, integrate land use with sustainable transport networks, recycle previously developed land and ensure minimal extension of the city region's built up area.

Policy 1 - Placemaking

New development should contribute towards the creation of high quality places across the city region. In support of the Vision and Spatial Development Strategy new development proposals should take account of the Placemaking Principle set out in Table 1.

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.

Policy 5 - Strategic Economic Investment Locations

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

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

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

Inverclyde Local Development Plan (adopted August 2019)

The following Local Development Plan (LDP) policies are relevant to the consideration of this application.

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 22 - Network of Centres Strategy

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

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

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

Policy 25 - Business and Industrial Areas

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

Strategic Economic Investment Locations

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

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

Strategic Freight Transport Hub

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

Local Business and Industrial Areas

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

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

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

Economic Mixed Use Areas

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

Ports, Harbours and Docks

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

Policy 26 - Business and Industrial Development Opportunities

Business, industrial and storage or distribution uses (Class 4, 5 and 6) on the sites listed in Schedule 9 and shown on the Proposals Map, will be supported.

Policy 33 - Biodiversity and Geodiversity

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a) there are no alternative solutions; and

- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 - Trees, Woodland and Forestry

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

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

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

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

The following proposed Local Development Plan (LDP) policies are relevant to the consideration of this application.

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 3 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 - Low and Zero Carbon Generating Technology

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

Other solutions will be considered where:

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

*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:

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

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

Policy 10 - Surface and Waste Water Drainage

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

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

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

- 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:

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

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

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

Policy 12 - Managing Impact of Development on the Transport Network

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

Policy 23 - Network of Centres Strategy

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

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

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

Policy 25 - Business and Industrial Areas

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

STRATEGIC ECONOMIC INVESTMENT LOCATIONS

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

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

STRATEGIC FREIGHT TRANSPORT HUB

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

LOCAL BUSINESS AND INDUSTRIAL AREAS

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

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

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

ECONOMIC MIXED USE AREAS

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

PORTS, HARBOURS AND DOCKS

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

Policy 26 - Business and Industrial Development Opportunities

Business, industrial and storage or distribution uses (Class 4, 5 and 6) on the sites listed in Schedule 8 and shown on the Proposals Map, will be supported.

Policy 33 – Biodiversity and Geodiversity

European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) compensatory measures are provided to ensure that the overall coherence of the network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if

any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

Non-designated sites

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 35 – Trees, Woodland and Forestry

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

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

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council.

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

City Region

CONSULTATIONS

Scottish Water - No objection. Advises that there is currently sufficient capacity in the Greenock Water Treatment Works to service the development and further investigations may be required to be carried out once a formal application has been submitted to them. All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted to fully appraise the proposals. The development proposals may impact on existing Scottish Water Assets and the applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team to apply for a diversion. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

Head of Public Protection and Covid Recovery - No comments to make in relation to Food and Health, Air Quality or Noise. Recommends conditions relating to Japanese Knotweed, ground investigations to be carried out, containers used to store waste materials and recyclable materials, and external lighting.

Transport Scotland – Recommends the following conditions should the Council decide to grant permission:

- Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
- Prior to the commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.
- Prior to commencement of the development, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation . The fencing/barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.
- There shall be no drainage connections to the trunk road drainage system.

Head of Service – Roads and Transportation - advises the following:

- The parking requirements detailed in the National Roads Development Guide for class 4 offices is 1 space per 30sqm. The parking requirement for the proposed office block is 24 parking spaces with 2 disabled parking bays included in this.
- The parking requirements detailed in the National Roads Development Guide for class 3 food and drink uses is 1 space per 5sqm. The parking requirement for the proposed drive-thru is 47 parking spaces with 3 disabled parking bays included in this.
- The overall parking provided meets these requirements.
- Parking bays to be 2.5m x 5.0m with minimum 6m aisle spacing throughout the site. Disabled parking bays to have 1m clearance around 2.9m x 5.5m. There should be a 1m extension to the aisles at the end of each car park to ensure vehicles using the last parking spaces can enter and leave the spaces safely.
- Footways to be minimum of 2m wide.
- The cycle parking requirements detailed in the National Roads Development Guide for the proposed development is a total of 16 spaces. The applicant has shown 14 cycle spaces for the office and 6 cycle spaces for the drive thru and this is acceptable.
- The applicant should show the visibility splay of 2.4m x 43.0m x 1.05m from the access and it should be kept clear in perpetuity.
- As loading vehicles within the car park results in driving on both lanes it will need to be conditioned that deliveries take place either early morning/ late night or both.
- The Flood Risk Assessment, Drainage Impact Assessment and drainage proposals are acceptable and independently verified. Appendix 6 of the Drainage Strategy Report is still not included within Drainage Strategy Plan part 3. Please submit your Pre-Development Enquiry with Scottish Water. Confirmation of Scottish Water's acceptance to their network is still required following the Pre-Development Enquiry.
- A street lighting design should be provided for approval of the Roads Service.

- The proposed cycle route from Greenock to Port Glasgow will run behind the heel kerb of the footway at the A8. Consequently a 2m wide cycleway should be incorporated into the design and the area kept clear of obstructions.
- A maintenance regime should be submitted for all maintainable areas to ensure they fully function as designed.
- The necessary permissions will be required from the Trunk Road Authority and the Local Roads for excavations within the public road.

Scottish Environment Protection Agency – Advises that at this time flood risk advice is being given on major applications and/or those which could significantly impact the most vulnerable and highly vulnerable uses as defined in their flood risk and land use vulnerability guidance. In this instance the Council's flood risk policies should be applied using the best information available on the risk and also refer to their advice and guidance which is available on their website.

PUBLICITY

The application was advertised in the Greenock Telegraph on 18th June 2021 as a departure from the development plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was subject to neighbour notification and no representations were received.

ASSESSMENT

This application is a Local Development as defined by The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The material considerations in the assessment of this application are national planning policy inclusive of Scottish Planning Policy (SPP), the 2017 Clydeplan Strategic Development Plan (SDP), the adopted 2019 Inverclyde Local Development Plan, the proposed 2021 Inverclyde Local Development Plan, the visual impact, traffic implications, and consultation responses.

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

The Policy Context

Scottish Planning Policy

Scottish Planning Policy introduces a presumption in favour of sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost. Planning policies and decisions should support sustainable development. Both Strategic and Local Development Plan policies are required to follow national policy.

Strategic Policy

The 2017 Clydeplan Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy for the area based on a compact city region model, focused on centres, regeneration, economy, low carbon infrastructure and placemaking. The vision is supported by a spatial development strategy and supporting policies.

The Vision and Spatial Development Strategy of Clydeplan aims for a compact city region, which has Glasgow city centre at its hub, with other centres of activity connected sustainably to it, all contributing to a low carbon economy and lifestyles. Development is to be directed to sustainable brownfield locations which maximise the re-use of resources. Clydeplan favours development that is well served by public transport and accessible by non-motorised means. Particular importance is given to development that could deliver the regeneration of previously developed land and buildings.

Policy 4 of Clydeplan identifies the network of strategic centres, including Greenock, which support a range of economic and social activities. The role and function of Greenock is identified for retail, civic, leisure, community, employment, business and residential uses. The proposed development would in general terms support the identified role and function for Greenock through employment generation and business development at a site that has been undeveloped/vacant for a number of years.

Policy 5 of Clydeplan requires local authorities to safeguard and promote investment in the Strategic Economic Investment Locations (SEILs) to support their dominant role and function, being green technologies/business and financial services at Inverclyde Waterfront, and to address the opportunities/challenges as identified in Schedule 3 to the policy. This may include providing opportunities for the expansion or consolidation of these locations, where appropriate, and to identify the locations and circumstances when other uses commensurate to the scale of the SEILs non-dominant role and function will be supported. The "Implementing the Plan and Development Management" section of the Plan should be taken into account when considering non-dominant role/function uses within the SEILs.



View of interior of site looking south-east from Cartsydyke Avenue

The proposed development is of a strategic scale as defined in Schedule 14 as more than 500 vehicles would be generated per day (823 per day in total as identified by the applicant's transport consultant comprising 130 for the proposed office and 693 for the proposed drive thru), albeit that the total gross floor area of the proposed buildings does not exceed 5,000 square metres and the site area does not exceed 2 hectares. It has to be considered whether the proposed development supports the Vision and Spatial Development Strategy taking account of the relevant policies, schedules and diagrams appropriate to the type of development. The proposed development therefore has to be assessed against Box 1 of Diagram 10. Box 1 considers whether the proposed development supports the Vision and Spatial Development Strategy and the Placemaking Policy. Any development that fails to meet the relevant criteria in Box 1 will be regarded as a departure from the Strategic Development Plan.

The development of this site within the existing urban area in general terms supports the Vision and Spatial Development Strategy of the SDP when assessed against Policies 4 and 5. As a consequence the proposed development is therefore subject to Local Development Plan assessment.

Local Policy

The principle of the proposed development, particularly the drive thru part of the proposal, has to be considered in the first instance by assessing the proposal against Policy 22 of the adopted Local Development Plan and Policy 23 of the proposed Local Development Plan as well as Policies 25 and 26 of both Plans.

Sequential Assessment to Site Selection and Impact on the Existing Network of Centres

Policy 22 of the adopted Local Development Plan and Policy 23 of the proposed Local Development Plan identify town and local centres as being the preferred locations for a range of retail and commercial uses including Class 3 Food and Drink, which the proposed drive thru coffee shop is considered to be. Both policies indicate that proposals for such uses outwith the network of town and local centres will only be supported if it can be demonstrated that: there is not a suitable sequentially preferable opportunity; there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and there are clear community or economic benefits that can be best achieved at the proposed location.

The Class 3 part of the proposed development is one that would be expected to be located in an existing town or local centre. The applicant has indicated that the drive thru is specifically to function as an ancillary and supporting use to the existing and proposed Class 4, 5, and 6 uses located across the SEIL and as such it can only serve that purpose if sited on a site within the SEIL. The applicant considers the proposed drive thru restaurant and the proposed office block are complementary to each other with the drive thru extending across a smaller part of the site. The applicant also considers that a drive thru requires to have roadside visibility and convenient vehicular access and a town centre location will often not have sites available that can serve these purposes. This is borne out by existing development of this type being rarely located within town centres, but more typically being sited on main arterial road routes and/or within mixed use or business areas.

In terms of a suitable sequentially preferable opportunity the applicant has indicated that in terms of the four Network of Centre Opportunities listed under Schedule 8 of the adopted Local Plan within Greenock Town Centre (C1 to C4) none of these are suitable. C1 to C3 are indicated as being too small and of insufficient size to accommodate the drive thru that is proposed, or the entire development. C4 is larger but still not of sufficient size to accommodate the proposals. C4 also accommodates a large existing building which would need to be demolished, with associated significant cost, and as it appears to be 'To Let' rather than for sale for demolition and redevelopment.

These points are noted and the physical characteristics of the four available sites at 15 Nelson Street (C1), 16 West Stewart Street (C2), 4 West Stewart Street (C3) and 25 West Stewart Street (C4) mean they are somewhat constrained which limits them for development of this type. This would be the same for the four available sites in the proposed Local Development Plan at 15 Nelson Street (C1), 16 West Stewart Street (C2), 25 West Stewart Street (C3) and Oak Mall eastern wing (C4). Given the wide catchment of a drive thru it can also be argued that the sequential approach should not be restricted to them being located in a town centre.

The applicant has also indicated that a review of commercial property websites has been carried out and through this has not been able to identify any sites in Greenock Town Centre beyond those identified in the Local Plan that are available, of sufficient size, or have the appropriate characteristics to be suitable for the development of the proposed drive thru. There are a number of shop/commercial units available for lease or sale within Greenock Town Centre, but by virtue of being existing 'high street' type units, generally located within larger buildings, these do not comprise sites that could reasonably be considered for the development of a new drive thru.

In terms of there not being an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres the proposed drive thru, in its own right, is not likely to contribute significantly to the worsening of the vibrancy, vitality or viability of Greenock Town Centre, or other centres.

If developed in full the proposal would offer a clear economic benefit through employment creation and would bring a long time economic development opportunity site into use.

When considering the above factors it is considered that the proposed drive thru coffee shop part of the proposal is acceptable under Policy 22 of the adopted Local Development Plan and Policy 23 of the proposed Local Development Plan.



View of east side of site bordering Main Street looking south

The site is located within a Strategic Economic Investment Location (SEIL) in both the adopted and proposed Local Development Plans and covered by Policy 25(a) in both Plans, which promotes and safeguards the SEIL for business and financial services. The site is also identified as being a Business and Industrial Development Opportunity under Policy 26 of both the adopted and proposed Local Development Plans with the preferred use being Class 4 business uses.

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

It should be noted that planning permission was refused on 22nd December 2017 for a drive thru coffee shop with associated parking, landscaping and site infrastructure (17/0292/IC). The drive thru was to have been located towards the part of the site opposite the Cartsydyke Roundabout and parallel to Cartsydyke Avenue. This application was refused because it was contrary to policy and only involved a drive thru coffee shop without any business or industrial use. The subsequent local review was dismissed by the Local Review Body on 20th June 2018 for the same reasons.

The proposed office building part of the proposal would accord with Policy 25(a) of both the adopted and proposed Local Development Plans as well as Policy 26 of both the adopted and proposed Local Development Plans.

The proposed Class 3 drive thru coffee shop however does not accord with Policies 25(a) and 26 of both the adopted and proposed Local Development Plans. Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. A full assessment of all material planning considerations must be undertaken to determine whether there is any justification in respect of departing from the adopted and proposed Local Development Plans in respect of the proposed drive thru part of the proposal.

Whilst Class 3 use is not explicitly supported by either Policy 25 or 26 of the adopted Plan, Policy 25 does provide support for other uses where they are ancillary to Class 4, 5 and 6 uses and do not prevent Class 4, 5 or 6 development across the wider site and SEIL. It is recognised that Class 3 coffee shop uses are an increasing feature of modern business and commercial environments, including business and industrial areas. The applicant considers the drive thru as being an ancillary use which will complement, support and enhance the proposed Class 4 development, and the existing Class 4, 5 and 6 uses across the wider SEIL. The proposed drive thru is to occupy a relatively small part of the application site and can be considered as being complementary to the existing businesses throughout the SEIL.

It should be noted that Schedule 15 of Clydeplan specifies Indicative Compatible Development in line with the Spatial Development Strategy. For SEILs compatible development includes economic activity, support for key employment sectors, public transport, active travel, and green network. The proposed drive thru may be viewed as facilitating economic activity through employment generation of approximately 20 to 30 staff in its own right. The proposed drive thru may also be viewed as being a complementary facility for the key employment sectors within the SEIL and being readily accessible by nearby businesses.

It is therefore considered that the proposed drive thru part of the proposal can be justified under Policy 25(a) of both the adopted and proposed Local Development Plans as well as Policy 26 of both the adopted and proposed Local Development Plans.

The other policies that are relevant to the assessment of this application need to be considered.

Design and Layout

Policy 1 of both the adopted and proposed Local Development Plans requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figure 3. In this proposal, the relevant factors relate to being 'Distinctive' through reflecting local architecture and urban form (which has been changed to "reflect local vernacular/architecture and materials" in the proposed LDP); 'Resource Efficient' by making use of previously developed land; 'Easy to Move Around' by being well connected; and 'Safe and Pleasant' by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise and smell.

The surrounding area is characterised by a range of business, commercial and residential uses with a variety of building sizes and scales. There is little uniformity in building design and appearance of the various buildings in the immediate surrounding area. There are also drive thru restaurants nearby to the east at James Watt Way. The proposed development would be viewed in this mixed use context and the different building styles and scales would not be out of this context. The appearance and position of the buildings would be considered to generally reflect the urban form and the visual appearance would be acceptable at this location. The proposal would in turn be considered to accord with the quality of being 'Distinctive' in both the adopted and proposed Local Development Plans.

The location of the site in the existing urban area would strongly accord with the spatial development strategy of both the adopted and proposed Local Development Plans by directing development to existing urban areas before rural locations. The development of this site would

also be considered to be at a sustainable location and in turn accord with the quality of being 'Resource Efficient'.

The proposed development, particularly the proposed drive thru, has the potential to generate noise through vehicle movements, vehicle doors opening and closing, vehicles starting up as well as smells through food preparation/cooking. The nearest residential properties are approximately 80m to the east and across the A8. The existing traffic on this major route in and out of Greenock results in high background noise levels. Given the separation distance between the development and the nearest residential properties when combined with existing noise levels, the noise generated by the development would not significantly increase noise levels to adversely affect residential amenity. It should be noted that the Head of Service – Public Protection and Covid Recovery has no comments to make on the proposed development in terms of noise. It is also considered that the other uses in the surrounding area, including the nearby residential properties, would not be subjected to cooking odours that would affect their amenity given the type of food and drink offered by the intended occupier and the separation distances. The proposed development would be considered to avoid conflict with adjacent uses and in turn meet the quality of being 'Safe and Pleasant' of both the adopted and proposed Local Development Plans.



View of north boundary of site with Cartsdyke Avenue looking south-east towards the Cartsdyke Roundabout

Traffic, Parking and Road Safety

Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan relate the impact of development on the roads network as well as complying with the Council's roads development guidelines and parking standards.

Transport Scotland has not raised any objections in terms of the impact of the proposal on the operation of the trunk road subject to the conditions that they have recommended.

The Head of Service - Roads and Transportation has advised that the proposed parking numbers associated with the proposed drive thru coffee shop and the proposed office block accord with the National Roads Development Guide as does the cycle parking provision. The proposal is therefore consider to accord with Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan and in turn meet the quality of being 'Easy to Move Around' by being well connected under Policy 1 of both the adopted and proposed Local Development Plans. The requirement to provide the parking spaces before the first opening/occupancy of either part of the development can be addressed by a planning condition.

Transport and Connectivity

The site is located in an accessible urban location with nearby bus stops providing for frequent services to a range of destinations. The site is located relatively close to the core path network that runs along the A8 and James Watt Way to the east of the site. It is considered that the development is in an appropriate location within an established settlement accessible by means of transport other than the private car. Overall, it is considered that there is no conflict with the aims and objectives of Policies 10 and 11 of the adopted Local Development Plan and Policies 11 and 12 of the proposed Local Development Plan. The development does not have any adverse impact on the core path network and there is no conflict with Policy 38 of the adopted Local Development Plan and Policy 36 of the proposed Local Development Plan. The details of the cycle way around the perimeter of the site to connect with the proposed cycle route from Greenock to Port Glasgow as well as the timescale for its implementation at this site can be addressed by a planning condition.

Flooding and Drainage

With respect to flooding and drainage, the applicant has submitted a flood risk assessment and drainage strategy report in support of the application. Having considered flood risk the Head of Service - Roads and Transportation advises that the flood risk assessment, drainage impact assessment and drainage proposals are acceptable and independently verified. As such there are no flooding or drainage concerns and the proposals are therefore considered to accord with Policies 8 and 9 of the adopted Local Development Plan and Policies 9 and 10 of the proposed Local Development Plan.

Low Carbon Infrastructure

As an element of design, Policy 6 of the adopted and proposed Local Development Plans seek to ensure that all new buildings are energy efficient and that at least 15% and 20% respectively of the carbon dioxide emissions standard (rising to at least 20% by the end of 2022 and 25% by the end of 2025 respectively) reduction set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This requirement can be addressed by a condition as can the installation of the electric vehicle charging facilities that are shown on the proposed site plan.

Landscaping

The proposed development will result in a loss of trees mainly at part of the east side of the site opposite the Cartsdyke Roundabout in the area where the proposed drive thru is to be located. The trees at this site are not covered by a Tree Preservation Order. Notwithstanding this, the planting/landscaping on this site was an integral part of the overall landscaping strategy which was developed as part of the Inverclyde Enterprise Zone Scheme dating from 1989. The planting/landscaping makes a positive contribution to the visual amenity of the area. The hedge, which is only partly within the application site, and the ground to the rear (west) of it have been allowed to grow naturally, but this is not inappropriate, being partly screened by the trees both within the application site and the dense tree and shrub belt outwith the site to the south-west. Overall this forms part of the visual experience on approach to the site along the Main Street from the south-west. Indeed, such is the recognised positive contribution of this landscaping that the area identified for potential development in both the adopted and proposed Local Development Plans, as part of the SEIL, specifically excludes it on the proposals map.

A landscaping/planting plan has been submitted with the application that shows Extra Heavy Standard trees (14cm to 16cm girth and 3.5m to 4m high) to be planted around parts of the north and east of the site as well as Heavy Standard trees (12cm to 14cm girth and 3m to 3.5m high) in a line running through the centre of the site. The drive thru will be visible on the approaches from the east along the A8 in the gap between the Extra Heavy Standard trees with the Heavy Standard Trees acting as a visual backdrop to this building as well as providing screening to the proposed office building.

The desire of the applicant is for the drive thru in particular to be visible to passing vehicles. A balance has to be struck between the visual impact of the loss of the existing trees and the visual impact of the proposed development. It should be noted that on the approaches to the site from the east the office building in the adjacent site is visible during the winter months when the trees are not in leaf. The proposed tree planting of the standards indicated is considered to assist in the lessening of the visual impact of the change from the outset as well as when the trees mature. The specific details of the proposed planting can be addressed by a planning condition. It is therefore considered that on balance the removal of the trees and the proposed tree planting is acceptable under the terms of Policy 34 of the adopted Local Development Plan and Policy 35 of the proposed Local Development Plan.

Other Matters Raised in Consultation Responses

The conditions recommended by Transport Scotland can be attached should planning permission be granted. The conditions recommended by the Head of Public Protection and Covid Recovery relating to storage of waste/recyclable materials and external lighting are more appropriately addressed as advisory notes whereas the conditions recommended relating to Japanese Knotweed, site investigation/verification can be attached as conditions.

Overall Conclusion

In conclusion, Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. Despite being situated within the SEIL, the Class 3 drive thru part of the development would have no adverse impact on the function or operation of either the wider SEIL or the adjacent business and industrial area. It will also remove a comparatively neglected, vacant site in a prominent location. Such a development would also will bring employment, contribute positively to the local economy and support the recovery from the challenges of the Covid-19 pandemic. Drawing all of this together, there are material considerations to justify a departure from Policy 25(a) and the adopted and proposed Local Development Plans.

Furthermore, whilst part of the proposal is for a Class 3 use, there are no sequentially preferable sites for this use and it is accepted that the drive thru element requires an easily accessible position. There is no conflict with Policy 22 of the adopted Local Development Plan or Policy 23 of the proposed Local Development Plan. The form and appearance of the development are considered appropriate and having fully assessed the proposal inclusive of implications for traffic, parking, flooding and drainage, the development is considered acceptable and to present no conflict with the relevant policies which address these matters in either the adopted or proposed Local Development Plans. The proposal is also considered acceptable with reference to Policy 1 of both the adopted and proposed Local Development Plans. Having also considered the principles set out in paragraph 29 of SPP, this proposal is a sustainable development primarily involving the efficient use of existing capacities of land. There are no other material considerations which indicate the application should not be granted subject to the conditions below.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. Development shall not commence until details of the phasing of the development has been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved phasing scheme.
2. As soon as possible after each of the phases of the development approved under condition 1 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.

3. Development shall not commence until samples of materials to be used on all external surfaces of the building and hard surfaces within each phase of the development including the two EV Sub Stations identified on drawing PL-SP-02 Rev C have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
4. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
5. Development shall not commence until details of the phasing and completion of the tree planting and landscaping scheme shown on drawing L01 Rev H has been submitted to and approved by the Planning Authority.
6. Any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping approved in terms of condition 5 above shall be replaced within the following planting season with others of a similar size and species unless otherwise agreed in writing by the Planning Authority.
7. Details of maintenance and management for the planting and landscaping approved in terms of condition 5 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby approved. Management and maintenance shall commence upon completion of the landscaping.
8. The drainage regime shown on drawing IDS-500 Rev B shall be fully implemented on site prior to the first use/occupation of the development hereby approved and subsequently maintained as approved at all times unless otherwise agreed in writing by the Planning Authority.
9. The car parking provision/areas for each phase of the development as approved under condition 1 above and as shown on drawing PL-SP-02 Rev C shall be completed and available for use by prior to the first use/occupation of the respective building and shall then be retained and available for use at all times thereafter unless otherwise agreed in writing by the Planning Authority.
10. For the avoidance of doubt: the parking bays shall be 2.5m x 5.0m with a minimum 6m aisle spacing throughout the site; the disabled parking bays shall be 2.9m x 5.5m and have 1m clearance around; there shall be a 1m extension to the aisles at the end of each car park to ensure vehicles using the last parking spaces can enter and leave the spaces safely; footways shall be minimum of 2m wide.
11. For the avoidance of doubt sightlines of 2.4m x 43.0m x 1.05m shall be provided and maintained at all times at the junction of the access with Cartsdyke Avenue.
12. For the avoidance of doubt deliveries to the buildings once occupied/operational shall only take place during early mornings or during late at night (or a combination of both) unless otherwise agreed in advance in writing by the Planning Authority.
13. Development shall not commence until details of the "potential bike lane" identified and annotated on drawing PL-SP-02 Rev C have been submitted to and approved in writing by the Planning Authority. The submitted details shall include the timescale for its construction.
14. Prior to the commencement of the development, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
15. Prior to the commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the

Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

16. Prior to commencement of the development, details of the fencing/barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland and thereafter implemented prior to commencement of operation. The fencing/barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.
17. There shall be no drainage connections to the Trunk Road drainage system.
18. Development shall not commence until 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.
19. 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.
20. Before any building in the development hereby approved 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.
21. 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.
22. The buildings hereby approved shall be designed to ensure that at least 15%, rising to 20% by the end of 2022, of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. Development shall not commence until details of the low and zero carbon generating technologies for each building have been submitted to and approved in writing by the Planning Authority. Following approval the low and zero carbon generating technologies shall be installed as approved prior to the first use/occupation of each of the buildings.
23. The electric vehicle charging provision as shown on drawing PL-SP-02 Rev C and on the Electric Vehicle Infrastructure Product Leaflet shall be installed for each phase of the development approved under Condition 1 above and be available for use prior to the first use/occupation of each building unless otherwise agreed in advance in writing by the Planning Authority.

24. If the existing trees are to be removed during the bird nesting season March to August shall be preceded by a nesting bird survey the methodology and findings of which shall be submitted to the Planning Authority.

Reasons

1. In order to ensure a properly programmed development.
2. To accord with section 27B(2) of the 1997 Act, as amended by the Planning etc (Scotland) Act 2006.
3. To ensure the development is acceptable in appearance.
4. To ensure the development is acceptable in appearance.
5. To ensure the provision of an appropriate landscaping scheme.
6. To ensure the retention of the approved landscaping scheme in the interests of visual amenity.
7. To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity.
8. To ensure the adequacy of the drainage regime for the application site.
9. To ensure suitable parking provision for staff and customers, in the interests of road safety.
10. To ensure the appropriate size of parking spaces, in the interests of roads safety.
11. To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.
12. To ensure the safe operation of the car parks associated with both buildings and to avoid congestion or unsafe vehicle movements.
13. To ensure alternative and sustainable modes of transport can access the site.
14. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
15. To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.
16. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
17. To ensure that the efficiency of the existing trunk road drainage network is not affected.
18. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
19. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
20. 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.
21. To ensure that all contamination issues are recorded and dealt with appropriately.

22. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

23. In the interests of sustainable development.

24. In the interests of the protection of nesting birds.

Stuart Jamieson
Interim Director
Environment and Regeneration

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

Report To: Planning Board

Date: 6 April 2022

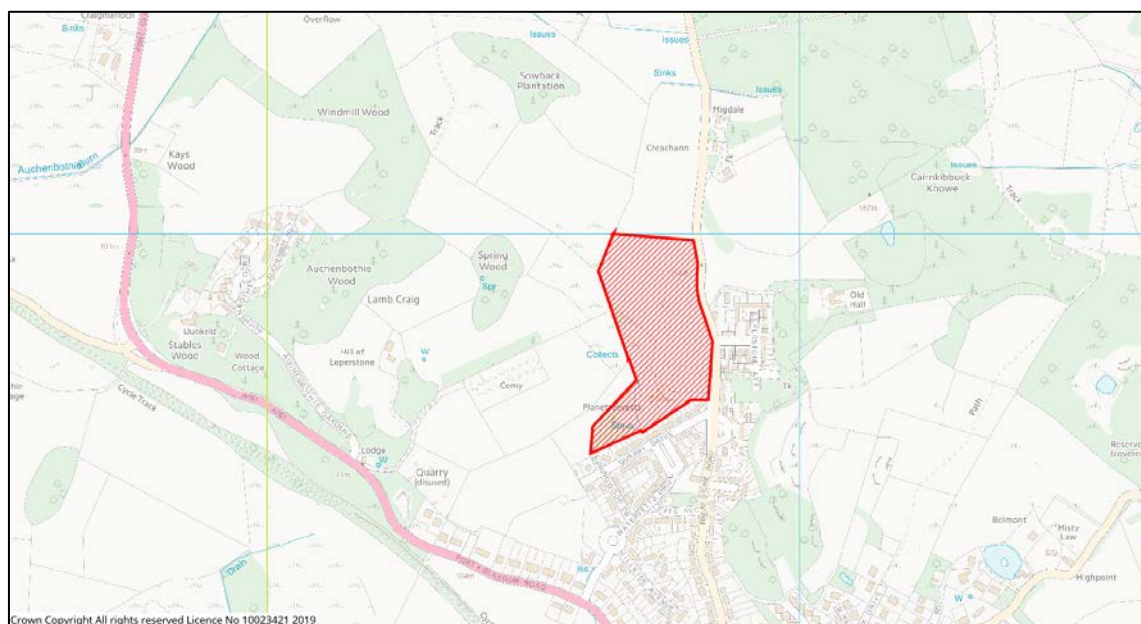
**Report By: Interim Director
Environment & Regeneration**

**Report No: 18/0322/IC
Plan 04/22
Major Application
Development**

Contact Officer: David Ashman

Contact No: 01475 712416

**Subject: 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 appealed the decision to the Scottish Ministers
- The appeal was dismissed

Details of the appeal may be viewed at:

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

INTRODUCTION

In May 2019, the Council refused planning permission in principle for residential development as:

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 DECISION

An appeal against the refusal was lodged with the Scottish Government on 20th August 2021. The grounds of appeal contested all the grounds of refusal.

The appointed Reporter finds that the main issues are whether or not there is a shortfall in the five-year effective housing land supply and whether the principle of housing development is acceptable subject to its:

- Ability to remedy the shortfall;
- Contribution to sustainable development;
- Impact on the character of the settlement and local area;
- Impact on green belt objectives; and
- Commitment to deliver necessary infrastructure.

Considering housing land supply, the Reporter notes that although the appellant and the Council use different methods to assess effectively housing land supply, she concludes that there is a shortfall in the Inverclyde Housing Market Area, although the level of that shortfall varies depending on the method of calculation used. She also concludes that, with regard to the

Renfrewshire Housing Sub Market Area, she is not convinced that the Inverclyde part of Renfrewshire HSMA should be considered a discrete HSMA. She therefore concludes that there is evidence that the supply of effective housing land is not sufficient to meet the five-year requirement as established in Clydeplan. This means that the terms of Policy 8 of Clydeplan are engaged and steps need to be taken to remedy the shortfall. The purpose of Policy 8 is to respond to an identified shortfall in the effective housing land supply by permitting housing development on appropriate sites, even those which would not normally be considered suitable for such development in the context of the Clydeplan vision and spatial development strategy. This includes sites within the Green Belt where they would not undermine Green Belt objectives.

She thereafter assesses the relevant criteria in Policy 8. With regard to these she concludes, firstly, that the proposal could contribute to reducing the housing supply shortfall.

However, based on Kilmacolm's location outwith the city region's main centres of population and employment, she considers that most residents will have to travel outside of Kilmacolm for work and for secondary school provision and that commuting by private vehicle is likely to be a more attractive option than intermittent public transport. This leads her to conclude that the proposal would not contribute to sustainable development under Clydeplan.

With regard to landscape issues, she concludes that the site forms an important part of the landscape setting of the village and in this respect the proposed development would have an adverse visual effect both on the approach to and from Kilmacolm, thus having a harmful impact on the landscape character and setting of the settlement and the local area.

Turning to Green Belt objectives, she concludes that the proposed development could weaken the aim of achieving certain regeneration priorities elsewhere within the Clydeplan area and that the proposal would harm the quality, character, landscape setting and identity of Kilmacolm. On the whole, she considers that the proposal would undermine certain Green Belt objectives.

The Reporter also considered the identified housing land supply shortfall against Scottish Planning Policy (SPP), particularly paragraph 33 as there is a presumption in favour of development that contributes to sustainable development being a significant material consideration. In this regard, and given earlier Court decisions, the Reporter considers there to be a relatively steep "angle of tilt" to be applied in favour of the development, given the sizeable housing land supply shortfall. In noting that SPP requires consideration of whether or not there are any adverse impacts significantly and demonstrably outweighing the benefits of the development, she examines the 13 principles listed in paragraph 29 of SPP. It is not necessary to repeat the full analysis here but she concludes that whilst most can be met, not all can. She notes that the proposed development would result in a permanent and adverse change to a landscape which she considers to be valuable to the character of the settlement and the local area. Furthermore, it would encourage unsustainable vehicle trips failing to support climate change measures. These concerns are too important to be overlooked and weigh heavily against the contribution the proposal would make in helping to reduce the housing shortfall. Overall, she considers that the adverse impacts presented by the proposed development, significantly and demonstrably outweigh the benefits.

REPORTER'S CONCLUSION

The Reporter concludes that the proposed housing development could make a valuable contribution to a sizeable shortfall in the five-year effective housing land supply. However she finds it to be contrary to the development plan overall. Although she applies a steep 'angle of tilt' in favour of the development relative to the level of shortfall, she does not find this wholly determinative. She considers that the adverse impacts of the proposed development, primarily its harmful effect on the landscape character and setting of Kilmacolm and the local area, and that it would encourage unsustainable vehicle trips, to significantly and demonstrably outweigh the benefits.

She therefore concludes, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

The appeal was dismissed.

RECOMMENDATION

That the Board notes the decision.

Stuart Jamieson
Interim Director
Environment & Regeneration

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