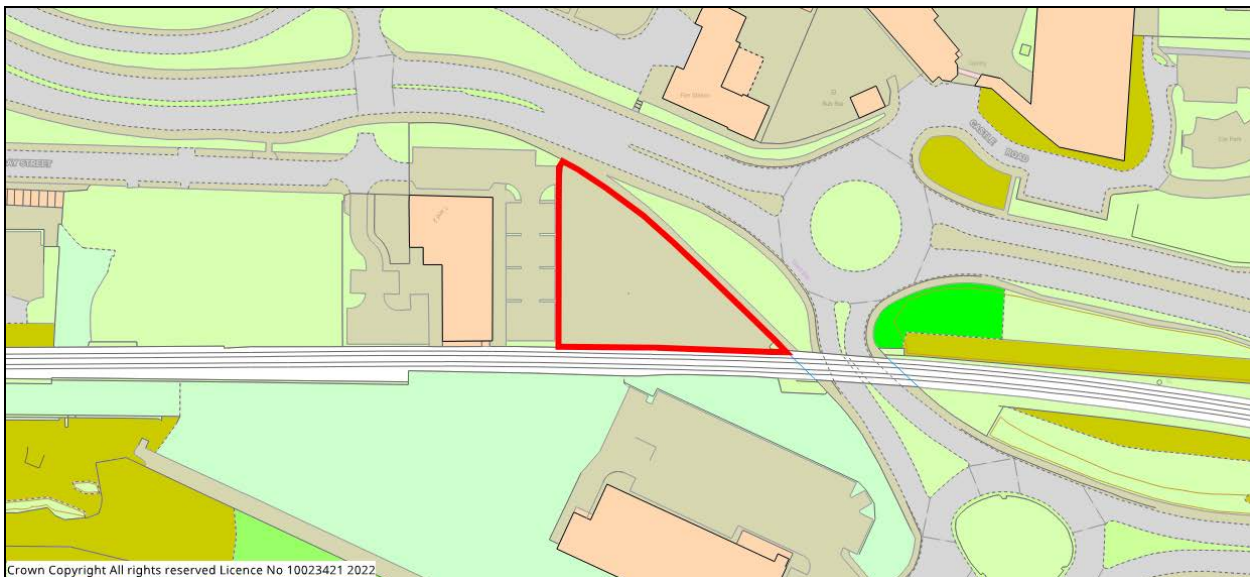


<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>7 September 2022</b>
<b>Report By:</b>	<b>Interim Director Environment and Economic Recovery</b>	<b>Report No:</b>	<b>21/0056/IC Plan 09/22</b>
<b>Contact Officer:</b>	<b>David Sinclair</b>	<b>Contact No:</b>	<b>01475 712436</b>
<b>Subject:</b>	<b>Proposed new build 4 storey flatted development including associated roads, drainage and landscaping at Land at Bay Street, Port Glasgow.</b>		



## SUMMARY

- The proposal largely complies with the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, however raises one area of significant conflict.
- 15 objections have been received raising a wide range of concerns including access, traffic, parking, amenity, design, heritage and impacts on the adjoining listed building.
- The consultation from the Head of Service – Roads and Transportation raises concerns over inadequate parking for a private development.
- The recommendation is to grant planning permission subject to conditions, subject to the conclusion of a legal agreement requiring the site to be developed for use solely for amenity housing.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QP572SIML0G00>

## **SITE DESCRIPTION**

The application site comprises an area of open space located on the south-west side of the Newark Roundabout which connects the A8 dual carriageway to the A761 (Glasgow Road), on the east side of the category 'A' listed Bay Street / Robert Street Gourock Ropeworks site. The site adjoins a railway line to the south, with a supermarket beyond; residential flatted properties to the west; Port Glasgow Fire Station and a shipbuilders to the north across the dual-carriageway; and open space containing urban woodland to the east across Glasgow Road.

Boundary treatments include traditional stone boundary walls on the north-east and south sides, these are approximately 2.4 metres in height along the north-east boundaries; and approximately 4.8 metres in height along the southern boundary and secure timber fencing interspersed with Heras fencing approximately 1.8 metres in height along the western boundary. The site sits on a north facing slope, with average gradients around 1 in 16, increasing towards the southern boundary to around 1 in 7. Access to the site is provided from the north-west corner through the Gourock Ropeworks site.

Historically, the site formed part of the Gourock Ropeworks site and contained industrial buildings which were demolished around 2000. Prior to being incorporated into the Ropeworks site in the 1960s, the site contained a burial ground dating from the mid-19<sup>th</sup> century, which became disused in the 1910s and two storey dwellings and a restaurant around the north and east boundaries of the site.

Outline planning permission was previously granted on the site for an eight storey hotel in September 2000. Planning permission was previously granted for an eight storey flatted residential development in January 2004, however neither of these consents were ever implemented. The site became a separate plot from the Gourock Ropeworks site in 2008 after the Ropeworks site was redeveloped to residential flats.

## **PROPOSAL**

It is proposed to construct a four storey flatted development, comprising 16 two bed flatted properties and 8 one bed flatted properties. The building is to be located towards the southern site boundary, being set back from the southern boundary by between 4 and 5 metres. The building is to be positioned between 1.4 and 4 metres from the western boundary and 9 metres from the north-east boundary at the closest point. The flats are to be divided between two symmetrical blocks with two access on the north elevation and internal lift access to all properties.

The building is proposed to be finished with dark grey concrete roof tiles; facing brick walls comprising two types of brick, one main finish and one for detailing; anthracite grey external doors and uPVC windows; dark grey fascias and soffits; and black uPVC rainwater goods. The building is to be approximately 43 metres in length and 14 metres in width, with the north-west and north-east corners recessed by approximately 3 metres. The building is proposed to contain a pitched roof with east and west facing gables, with eaves heights of approximately 13.4 metres to the front and 11.6 metres to the rear, with a ridge line approximately 16.75 metres above the adjoining ground. The two protruding south-west and south-east corners of the building are proposed to have the same south-facing roof plane, with separate north-facing roof planes. The building is proposed to contain windows on all four elevations.

Access is to be taken from the existing access on the private road which runs along the northern side of the Gourock Ropeworks site, at the east end of Bay Street. It is proposed to provide 21 parking spaces within the site, including two disabled bays, along with two bin storage areas on the north side of the building and a cycle storage area directly south of the eastern of the two bin storage areas. Pedestrian access is to be taken along the west side of the site and will run along the front of the building. No further details are provided with regards to landscaping within the site.

The application is accompanied by a Design Statement, a Noise Impact Assessment, SUDS and Drainage Impact Assessment, a Ground Investigation Report and a Daylight Assessment Report.

## **DEVELOPMENT PLAN POLICIES**

### **CLYDEPLAN STRATEGIC DEVELOPMENT PLAN**

#### **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 8 – Housing Land Requirement**

In order to provide a generous supply of land for housing and assist in the delivery of the Housing Supply Targets in support of the Vision and Spatial Development Strategy, Local Authorities should:

- Make provisions in Local Development Plans for the all tenure Housing Land Requirement by Local Authority set out in Schedule 8, for the Private Housing Land Requirement by Housing Sub-Market Area set out in Schedule 9 and for the Private Housing Land Requirement by Local Authority set out in Schedule 10;
- Allocate a range of sites which are effective or expected to become effective in the plan periods to meet the Housing Land Requirement, for each Housing Sub-Market Area and for each Local Authority, of the SDP up to year 10 from the expected year of adoption;
- Provide for a minimum of 5 years effective land supply at all times for each Housing Sub-Market Area and for each Local Authority; and
- Undertake annual monitoring of completions and land supply through Housing Land Audits.

Local Authorities should take steps to remedy any shortfalls in the five-year supply of effective housing land through the granting of planning permission for housing developments, on greenfield or brownfield sites, subject to satisfying each of the following criteria:

- The development will help to remedy the shortfall which has been identified;
- The development will contribute to sustainable development;
- The development will be in keeping with the character of the settlement and the local area;
- The development will not undermine Green Belt objectives; and
- Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

#### **Policy 9 – Housing – Affordable and Specialist Provision**

In order to support the delivery of affordable housing, including social and specialist provision housing, and meet housing need, in support of the Vision and Spatial Development Strategy, Local Authorities should through appropriate mechanisms including Local Development Plans, Single Outcome Agreements, Local Housing Strategies, Supplementary Planning Guidance, and masterplans:

- Develop appropriate policy responses where required, including affordable housing, specialist housing and development contributions policies, to deliver housing products taking account of the Housing Need and Demand Assessment (May 2015) as well as local evidence and circumstances; and
- Ensure that any affordable housing, specialist housing and development contributions policies are applied in a manner that enables the delivery of housing developments.

## **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 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 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 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) 3** on “Private and Public Open Space Provision in New Residential Development” 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 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 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 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 21 – Wheelchair accessible housing**

The Council will seek the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. Developers will be required to demonstrate that they have considered the demand for and provision of wheelchair accessible housing if they are seeking an exemption from this requirement.

## **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) 3** on “Private and Public Open Space Provision in New Residential Development” applies.

## **CONSULTATIONS**

**Head of Service – Roads and Transportation** – Advises as follows:

- Parking should be provided in accordance with the National Guidelines. The application proposes 24 dwellings, 8no 1 bedroom apartments and 16no 2 bedroom apartments which requires 40 allocated spaces and 6 visitor spaces a total of 46 spaces. The applicant is proposing the provision of 21 private spaces. The development does not meet these requirements. The plan should be amended to address this.
- Parking requirement within the National Guidelines for amenity housing is 0.5 spaces per dwelling + 0.3 spaces visitor parking per dwelling. The application proposes 24 dwellings which requires 12 allocated spaces and 8 visitor spaces a total of 20 spaces. Applicant to show where visitor parking will be. If this is to be considered as amenity housing evidence should be provided to support this, the email of 7 July 2022 is not acceptable, we require confirmation that this will be housing association if not then the parking requirements of 46 spaces must be adhered to.
- The parking spaces should be a minimum of 2.5m by 5.0m with a minimum aisle spacing of 6.0m.
- The visibility splay at the access should be 2.4m x 43m x 1.05m.
- All footways and footpaths should be a minimum of 2.0m wide.
- The applicant has demonstrated that roads within the site have a gradient of 8% or less. This is acceptable.
- The access road abuts the existing boundary wall. This is not acceptable as it could result in the wall being struck and falling onto the public footpath. The access road should be offset a minimum of 0.5m from the boundary wall to minimise the risk of this occurring. There are proposals to widen the public footpath on the A8 and consequently the development should be set back at least 5m from the road side kerb line.
- The car park, footways and road surface will not be adopted or maintained by the Roads Service.
- 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.
- Submitted SUDS and drainage strategy report is acceptable in principle. Can't locate the Independent Check Certificate for the drainage strategy. This is a requirement and must be submitted.
- All surface water during and after development is to be limited to that of greenfield run off.
- Confirmation of connection to Scottish Water Network should be submitted for approval. Submitted PDE is not complete (Appendix D)
- The drainage survey submitted for the existing drainage network within the site is acceptable, however, it will be the responsibility of the developer to determine its accuracy and any changes as a result of the determination shall be recorded and results provided to this service.



## **Head of Public Protection and Covid Recovery – Advises as follows:**

- 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. This is recommended to help arrest the spread of Japanese Knotweed in the interests of environmental protection.
- 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. This is recommended to satisfactorily address potential contamination issues in the interests of human health and environmental safety.
- 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. This is recommended 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.
- 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. This is recommended to ensure that all contamination issues are recorded and dealt with 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, 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, prevent the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- The proposed site is in very close proximity to a main road, railway, shipyard and supermarket. As a result, a Noise Impact Assessment was requested to investigate the potential impact these noise sources would have on the residential development. As a result of the findings of the report, appropriate acoustic glazing and acoustic trickle vents or mechanical ventilation with heat recovery with appropriate acoustic glazing should be used in the development. These are detailed in the Mitigation measures Section of the Report in Section 9 & 10.3 and should be implemented in the development. This is recommended to protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

- The lift mechanism and motor (plant room/ventilation fans) should be suitably isolated from the building structure. This is recommended to minimise the effects of vibration within the properties.
- Advisory notes are recommended relating to: site drainage; rats, drains and sewers; Construction (Design and Management) Regulations 2015 (CDM 2015); surface water; the design and construction of buildings relating to gulls; and refuse storage and collection.

**Historic Environment Scotland** – Advises they have considered the information received and do not have any comments to make on the proposals. Their decision not to provide comments should not be taken as their support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

**Network Rail** – Whilst Network Rail has no issues with the principle of the proposed development, advises they would have to object to the proposal unless the following conditions are attached to the planning permission, if the Council is minded to grant the application:

- No development shall take place on site until such time as a noise impact assessment has been submitted to and approved in writing by the Planning Authority. The noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the railway line. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme. This is required to ensure that occupants/users of the development do not experience undue disturbance arising from nearby noise sources.
- Advisory notes are recommended to ensure that construction works are 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.

**Transport Scotland** – does not propose to advise against the granting of permission.

**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 12th March 2021 due to the development affecting the setting of a listed building and having neighbouring land with no premises situated on it.

## **SITE NOTICES**

A site notice was posted on the 24th March 2021 due to the development affecting the setting of a listed building.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. 15 representations were received objecting to the proposal. Concerns were raised as follows:

### Access Concerns

- Concerns over access being provided through the security gates to Ropeworks.
- Concerns over additional wear and tear on security gates and the responsibility for the maintenance of security gates.
- Concerns over another building having access through secure entry gates making the Ropeworks building less secure.

### Amenity Concerns

- Obstruction of daylight to some properties in Ropeworks.
- Concerns over potential invasion of privacy as the building would be fairly close to neighbouring flats and occupants may be able to see into neighbouring flats.
- Window arrangements creating an issue of overlooking into existing properties.
- Concerns over overshadowing of existing properties.
- Concerns over the proximity of bin storage to neighbouring flats and rubbish accumulating which could create an issue of rats.
- Concerns over building flats on areas of natural habitat.

### Design Concerns

- This new building will be too close to the Ropeworks. The building should be moved as far east as possible to create more space between Ropeworks.
- The elevations show no colour or how materials and finishes are being applied to the new build.
- There seems to be little care or respect to the existing context, particularly from key views approaching the site from the M8 roundabout or from Clune Brae.
- Concerns over inaccuracies as the site approach drawn on site analysis diagram is wrong.

### Historic Environment Concerns

- Concerns over the flats obscuring the façade of the adjoining Grade A listed building and having a detrimental visual impact on the west elevation.
- Concerns over impact on the historical nature of the site.
- With the Ropeworks being a listed building and an iconic feature of Port Glasgow it would be a shame to build anything in front of it. The Newark Castle is already blocked from view by the shipyards hangar and it would be a shame to block the view of another piece of the town's history.
- Considering the A listed status of the Ropeworks building, it is concerning to see that there are hardly any images within the application showing the impact that the new build has on the existing building.
- Concerns over a lack of 3D visuals and visual studies showing the impact of key views towards the Ropeworks building.
- Concerns over a mass grave site found at the site disappearing from the latest findings.
- It must be ensured that the issue of the historical burial ground which exists in the site is dealt with properly and sensitively.

### Traffic and Parking Concerns

- Concerns over inadequate parking provision causing cars to overflow into the Ropeworks car parking area.
- Concerns over there not being any provision in the proposed development for Disabled Parking bays.

- Concerns over lack of manoeuvring space for large vehicles.
- Concerns over a lack of a travel management plan being submitted with the application.
- Concerns over the existing access gates creating traffic issues.
- Drawing shows incorrect access in to the development.
- Lack of consideration for traffic management.

### Other Concerns

- Lack of jobs locally to employ people buying these properties.
- Lack of school places for children moving into the area.
- Concerns over lack of clarity as to whether the proposal is for social housing or privately owned housing.
- Application unclear how many flats are in scheme – design statement says there are 28 but only 24 on drawings.

## **ASSESSMENT**

This application is defined as a Local Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. National Planning Policy requires to be considered including Scottish Planning Policy (SPP). The Development Plan consists of the Clydeplan Strategic Development Plan (SDP), the adopted 2019 Inverclyde Local Development Plan (LDP) and the proposed 2021 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 notes the Scottish Government's desire for a significant increase in house building to ensure housing requirements are met. Additionally it is stated that there will be a need to ensure a generous supply of housing land in sustainable places where people want to live, providing enough homes and supporting growth.

SPP introduces a presumption in favour of sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost. Planning policies and decisions should support sustainable development. It also reinforces the aims of NPF3 to facilitate new housing development. It notes that the planning system should identify a generous supply of land for each housing market area to support the achievement of the housing land requirement across all tenures, maintaining at least a five-year supply of effective housing land at all times. The planning system should also enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal is for sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29 of SPP.

Having considered the principles set out in paragraph 29 of SPP, this proposal is considered to be a sustainable development as it involves the efficient use of existing capacities of land and supporting delivery of accessible housing at an existing brownfield urban location instead of being development in a green belt or greenfield location.

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

## Strategic Policy

The Clydeplan Strategic Development Plan (SDP) sets out a strategic vision to be implemented through a spatial development strategy and sets targets for the provision of new housing within the component parts of the Plan area. This provides that most development is to be focused on existing settlements, with much of the intervening land being designated as Green Belt. The SDP is clear in supporting housing growth that creates high quality places which deliver not only the right type of homes but in the right locations. The Vision and Spatial Development Strategy of the SDP supports the provision of high quality and affordable housing in the right location which is central to the creation of a successful, sustainable and growing city region. This will be realised through the prioritisation of regeneration activities, the recycling of previously used land, and higher density development in support of the delivery of the Plan's compact city model.

The proposed housing site is not greenfield nor does it exceed 2 hectares in area, as defined in Schedule 14 and Diagram 10 of the SDP. On this basis it is not considered to be of a strategic scale and therefore it is not necessary to consider the SDP in detail. The proposal is, however, considered in general terms to strongly support the Vision and Spatial Development Strategy of the SDP of a compact city region as the site is a brownfield site located within an existing urban area.

The proposed development is therefore subject to Local Development Plan assessment.

## Local Policy

The remaining material considerations in the assessment of this application are therefore the adopted Inverclyde Local Development Plan (LDP); the proposed Inverclyde Local Development Plan (LDP); Inverclyde Council's Supplementary Guidance on 'Affordable Housing Provision', 'Energy' and 'The Green Network'; Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development"; Draft Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development"; the representations received; the consultation responses; Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note on 'Setting'; and the impact of the proposed development on the setting of the adjacent listed building.

The Spatial Development Strategy of the LDP directs residential development to existing built-up areas in the first instance. The site is located within an established residential area as well as being considered to be in a sustainable location and therefore accords in principle with this strategy.

In terms of local policy, both LDPs locate the application site within an established residential area. All new residential development within residential areas are required to be assessed against Policy 1 of the adopted LDP and Policies 1, 18, 20 and 21 of the proposed LDP. Policy 18 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. The proposed site is not identified in Schedule 3 and as it is within a residential area it requires to be assessed as to whether the site is appropriate for the proposed development. Policy 18 requires all residential development to be assessed against relevant Supplementary Guidance. In considering the criteria in Policy 18, the proposal can be considered to meet: a) a strong preference for appropriate brownfield sites and b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan. Further assessment is required to determine whether the proposal meets criterion c) (that the proposal is for sustainable development), and whether it has regard to the amenity, character and appearance of the area, in line with Policy 20 of the proposed LDP. Policy 21 of the proposed LDP requires a minimum of 5% of housing units to be fully wheelchair accessible housing.

Policy 1 of both LDPs requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes, of which the adopted and draft

PAAN 3s are relevant to this proposal. In the adopted LDP, the quality of being 'Distinctive' requires proposals to reflect local architecture and urban form; contribute positively to historic buildings and places; make the most of important views; and use native species in landscaping, and create habitats for native wildlife. In the proposed LDP, the quality of being 'Distinctive' requires proposals to respect landscape setting and character, and urban form; reflect local vernacular/architecture and materials; contribute positively to historic buildings and places; protect and make the most of important views; and use native species in landscaping where appropriate, and create habitats for native wildlife. The relevant factor to being considered 'Adaptable', is whether the proposal avoids creating buildings or spaces that will become neglected or obsolete. The relevant factors to be considered 'Resource Efficient' requires the proposal to make use of existing buildings and previously developed land; incorporate low and zero carbon energy-generating technology; and provide space for the separation and collection of waste. The relevant factors to be considered 'Easy to Move Around' is being well connected and recognising the needs of pedestrians and cyclists. The relevant factors to be considered 'Safe and Pleasant' are to avoid conflict with adjacent uses and minimise the impact of traffic and parking on the street scene. The relevant factors to be considered 'Welcoming' are to integrate new development into existing communities and make buildings legible and easy to access.

In addition, as the application includes the provision of new buildings, Policy 6 in both LDPs is applicable. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP are relevant as the proposal is for a housing development with multiple units that does not drain directly to coastal waters. As the proposal relates to the construction of new housing which will result in an increase in traffic and vehicular parking in the area, Policies 10 and 11 of the adopted LDP and Policies 11 and 12 of the proposed LDP apply. As the site is brownfield in nature and contained previous development Policy 16 of the adopted LDP and Policy 17 of the proposed LDP apply. Policy 29 in both LDPs requires consideration as the proposal is adjacent to the Category 'A' listed Gourock Ropeworks building.



View of the site and Ropeworks Building from the north side of the A8.



## Design and Layout

In considering the proposed layout and impacts on urban form and on the setting of the neighbouring listed building, I will consider the guidance given in both PAAN 3s as well as Historic Environment Scotland's guidance note on 'Setting'. Both PAAN 3s identify the proposal as a flatted infill development, that is, the development of flats, irrespective of number of units, on a vacant/redevelopment site within a built up area. For flatted infill developments, both PAAN 3s require flats to reflect the existing scale of buildings and townscape in the immediate environs. Open space need only be provided where surplus land is available following the provision of any off-street parking required. Both PAAN 3s identify that the provision of public open space is not required for flatted infill sites. In all instances the minimum window to window distances must be achieved. The guidance note on 'Setting' states that there are three stages to assessing the impact of a development on the setting of a historic asset or place: identifying the historic assets that may be affected; defining and analysing the setting; and evaluating the potential impact of the proposed changes on the setting, and the extent to which any negative impacts can be mitigated.

The proposal identifies a main open space area to the rear and east side of the building, which covers approximately 720 square metres, providing an appropriate level of private amenity space for residents. The site will also contain smaller areas of open space along the west side of the building and north-east side of the car parking area. I note that no landscaping scheme has been provided for the open areas within the site. This matter can be secured by condition to ensure that a suitable landscaping scheme is provided and maintained in order to provide a high level of visual amenity.



View of the 'A' listed Ropeworks building from within the site looking west across the site.

The site primarily adjoins the category 'A' listed Gourock Ropeworks building located to the west of the site, with the building being positioned in front of the east side of the listed building. In terms of scale and position, I note the concerns raised over the impacts on key views of the neighbouring listed building when approaching the site and the façade of the listed building being obscured by the proposed development. The setting of the Gourock Ropeworks includes a mixture of two and four storey residential buildings to the west of the listed building; a raised

railway viaduct running along the south side of the site and the main A8 arterial road running along the north side of the site. The listed building is primarily viewed along the A8 corridor and from Coronation Park, to the north-west of the listed building. There are also views of the listed building from Clune Brae and Glasgow Road, however from these locations the views to and from the listed building are much less prominent due to the listed building being set behind the railway line and partially obscured by a retaining wall and trees along Clune Brae and behind planting associated with the nearby supermarket. In considering the position of the building, the proposed flats will be positioned towards the rear of the site, being sited approximately 30 metres back from the northern elevation of the listed building. This set-back position from the north-east boundary ensures that the proposal will preserve the established building line along Greenock Road. I note that the listed building is largely obscured when approaching from the east on the A8 by trees on the south-east side of the roundabout and that the position of the building ensures that the listed building comes into view before the proposed building on approach from the east, allowing it to remain as the main focal point from this approach. The listed building sits forwards of the proposed development relative to Coronation Park and the western approach and as such the proposal is not considered to impact on the listed building from this position.

In terms of scale, I consider that the scale of the proposal allows it to remain subordinate to the listed building, being around two-thirds the height of the listed building. In terms of design, the rectangular form of the building's frontage can be considered to reflect the form of the listed building and the buildings on the other side of the listed building. The proposed window design reflects the uniform window design and vertical emphasis seen on the windows of the listed building, allowing the building to blend in where the building is viewed in front of the listed building. The choice of materials and finishes reflects the extensive use of brick on both the listed building and the modern development on the west side of the listed building. I consider that this allows the proposal to reflect the surrounding buildings, appearing as being part of a larger development with the listed building as a centrepiece. Whilst I note the concerns raised over the new building being too close to the Ropeworks and that it should be moved as far east as possible within the site, the location proposed can be considered appropriately balanced within the site and reflects the urban form of the area. Furthermore, the set-back position relative to the eastern boundary ensures that the building does not appear over-dominant on the streetscape.

Taking all of the above into account, I am satisfied that the setting of the listed building has been taken into consideration with regard to the design and position of the proposal and that the building is of a high standard which is acceptable for the surrounding context. Furthermore, I note that Historic Environment Scotland raises no concerns or objections over the impact of the proposal submitted on the neighbouring listed building. It stands that the proposal will have an acceptable impact on the setting of the listed building and therefore meets the quality of being 'Distinctive' in Policy 1 of both LDPs. The proposal can also be considered in accordance with Policy 29 of both LDPs and the Historic Environment Scotland guidance note on 'Setting'.

I note the concerns raised over the proximity of the building impacting on daylight into some of the residential properties within the Gourock Ropeworks to the west of the site. The impact of the building has been assessed against the BRE publication "Site layout planning for daylight and sunlight: a guide to good practice", measuring the existing and proposed vertical sky component (VSC). The VSC has been measured for the six closest neighbouring ground floor windows within the Gourock Ropeworks building, which will face towards the proposed flatted building at distances of between 22.9 and 25.6 metres. If the VSC is greater than 27% then enough skylight will reach the windows of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice a reduction in the amount of daylight. From south to north, starting from the window closest to the railway bridge, the existing VSC levels are 33.5% VSC, 35% VSC, 36.5% VSC, 37.5% VSC, 38% VSC and 38% VSC respectively. With the proposal in place these will be reduced to 29% VSC, 30% VSC, 30.5% VSC, 31.5% VSC, 33.5% VSC and 33.5% VSC respectively. All of these are above the 27% minimum recommended. It stands that the proposal will not result in an unacceptable loss of light to any rooms in neighbouring houses.





View of the site facing south-east from across the Ropeworks car park.

In considering the provision of daylight to the residential properties proposed, the applicant has submitted a daylight assessment report which confirms that the adjoining railway viaduct to the south does not result in unacceptable levels of daylight to the proposed south facing ground floor windows. I note the concerns raised in the representations relating to overlooking and an invasion of privacy from the west facing windows. In considering this, I note the Council's window to window intervisibility guidance, which requires a minimum 18 metre distance be provided between windows that directly face one another. The closest windows on the west elevation of the building accord with this requirement, being set back at least 22.9 metres from the adjoining Ropeworks. Whilst acknowledging that all windows meet the window to window intervisibility guidance, following further discussions with the applicant they have agreed to provide smaller window openings on the west elevation, which can be considered both a betterment in terms of privacy and it avoids creating a large blank wall facing onto the neighbouring residences. Based on the above assessment, I consider the proposal to be in accordance with the guidance in both PAAN 3s and will not result in an unacceptable invasion of privacy.

#### Drainage and Land Considerations

With regard to Policy 9 of the adopted LDP and Policy 10 of the proposed LDP, these require the applicant to accommodate a Sustainable Drainage System (SuDS). In light of this, details of a SuDS and a Drainage Impact Assessment (DIA) have been submitted. The Head of Service – Roads and Transportation, within her capacity as Flooding Officer, raises no objections to the proposal in terms of flooding or drainage issues for the site itself or for surrounding land but has requested a condition is placed on the granting of any consents for surface water to be limited to greenfield run-off. I concur with her recommendations and consider this matter can be addressed by means of condition. Regarding the other points raised confirming Scottish Water acceptance and an Independent Check Certificate, these have subsequently been submitted by the applicant. On this basis I conclude that the proposal accords with Policy 9 of the adopted LDP and Policy 10 of the proposed LDP.

In considering the proposal in relation to Policy 16 of the adopted LDP and Policy 17 of the proposed LDP, in particular regarding potential contamination issues, the Head of Public Protection and Covid Recovery has been consulted to determine compliance with these policies. He raises no objections to the proposal, however has requested conditions are placed on the granting of any consents for a survey to be carried out for Japanese Knotweed, as well

as for an Environmental Investigation and Risk Assessment to be carried out before development commences, with a Remediation Scheme put in place in order to identify and address potential contamination issues, as well as a report to be submitted upon completion to ensure no contamination is brought onto the site. I concur with his recommendations and consider that by addressing these matters by means of condition, the proposal is in compliance with the requirements of Policy 16 of the adopted LDP and Policy 17 of the proposed LDP.

Regarding the concerns raised over the loss of natural habitat, the site is a brownfield site which is predominantly a mixture of grass and hardstanding remaining from the previous development and can be considered to have low wildlife and habitat potential. There are a number of immature and semi-mature trees around the edges of the site. As the site is not located within a Conservation Area or covered by a Tree Preservation Order (TPO), the trees are currently not afforded any protections. I note that no details have been provided confirming soft landscaping or tree retention and planting for the site and consider that this matter can be secured by means of condition to ensure a high quality finish is provided throughout the site.

I note the concerns raised in the representations over the mass grave within the site not being mentioned on the latest findings and over the issue of the historical burial ground which exists in the site. The site operated as a burial ground in the 19<sup>th</sup> century, until it became disused in the 1910s. I note that archaeological surveys were previously carried out as part of a condition of planning permission granted back in 2008 which identified that there were graves remaining on site. Subsequently, discussions have taken place between the applicant and the Council regarding the disinterment and reinterment of the human remains within the graves to a cemetery within the Inverclyde area. The applicant has also submitted a writ to the courts, to obtain legal consent to relocate the human remains to a cemetery within the Inverclyde area. The process of disinterment and reinterment of human remains falls outwith the remit of the planning authority and is more appropriately controlled by other legislation. Any potential contamination issues relating to the disinterment can be addressed as part of the conditions previously identified by the Head of Public Protection and Covid Recovery.

#### Residential Amenity

In considering amenity, with regards to noise, I note that Network Rail have requested a condition be attached to the granting of any consent for the submission of a Noise Impact Assessment to the Planning Authority which identifies the potential for occupants of the proposed development to be impacted by noise from the railway line. The Head of Public Protection and Covid Recovery also requested a Noise Impact Assessment, which was subsequently submitted by the applicant to the Planning Authority. The Head of Public Protection and Covid Recovery has requested a condition be placed on any consent to ensure appropriate glazing and ventilation is provided to mitigate noise issues on any occupiers of the development. I concur with the consultee remarks on these matters and am satisfied that these issues can be addressed and resolved by means of condition.

I note the concerns raised in the objections over the proximity of bin stores to neighbouring properties and potential accumulation of waste attracting rats. Regarding this matter, the Head of Public Protection and Covid Recovery has requested a condition be placed on the granting of any consents for 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 applicant has indicated that two bin stores will be provided on site, however no further details are provided. I consider that full details of the design, materials and finishes for the bin stores can be addressed by condition to ensure that the bin stores are visually acceptable and that suitable waste storage is provided as part of the development.

Turning to other matters raised by the Head of Public Protection and Covid Recovery, matters regarding external lighting and the lift mechanisms and motors being suitably isolated are more appropriately controlled by other legislation. An advisory note on these matters can, I consider, be added to the other advisory notes recommended by the Head of Public Protection and Covid Recovery as part of the granting of any planning permission.

## Transport and Connectivity

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 (Policy 1 of both LDPs), I note the concerns raised in the objections with regard to traffic management, inadequate parking provision, lack of space for manoeuvring large vehicles, a lack of disabled parking provision and no travel management plan being submitted with the application. In terms of impacts on the nearby traffic network, I note that Transport Scotland raises no objections to the proposal in terms of impacts on the nearby trunk road. In considering these points and policies, I turn to the consultation response from the Head of Service – Roads and Transportation.

She has identified the provision of 21 parking spaces to be significantly insufficient for a private development which requires a minimum of 46 parking spaces and objects to the proposal being granted for use as a private development on these grounds, however, notes that the parking provision would be acceptable for amenity housing, which requires a minimum of 20 parking spaces. I concur with her remarks that should the proposal be for private housing, the proposal would result in a significant shortfall of parking spaces for residents and visitors, negatively impacting on traffic and parking in the street scene and as such, would be contrary to Policy 11 of the adopted LDP and Policy 12 of the proposed LDP and fail to meet the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs.

Following further discussions with the applicant, they have indicated that they would be agreeable to transferring the site to a Registered Social Landlord (RSL) for development as amenity housing and have identified an RSL that would be interested in taking on the site. The applicant is, however, unable to provide sufficient evidence at this time to the satisfaction of the Head of Service – Roads and Transportation that the site will be occupied solely for amenity housing. In order to satisfy the requirements of the Head of Service – Roads and Transportation and to accord with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP in terms of parking, a legal agreement needs to be put in place to ensure that the site will be occupied solely for amenity housing. Only upon the conclusion of such an agreement can it be considered appropriate to grant planning permission for this proposal.

Should such an agreement be met to secure amenity housing on the site and satisfy the requirements of the Head of Service – Roads and Transportation, the provision of the parking spaces indicated can be considered to help minimise traffic and parking on the street scene, in accordance with meeting the quality of being 'Safe and Pleasant'. I consider it prudent to condition that these are provided prior to the flatted building being occupied.

Turning to other matters raised in the consultation response received from the Head of Service – Roads and Transportation, the minimum access width of 6.0m is identified as being a suitable size to allow larger vehicles to manoeuvre around the site and can be secured by condition, along with the minimum set back distance from the boundary wall, parking space sizes and footway widths. Regarding visibility splays, the applicant has subsequently submitted visibility splays to be agreed upon with the Head of Service – Roads and Transportation.

Regarding concerns in the representations over there not being any disabled parking bays provided, further discussions with the applicant have confirmed that parking bays parked as 12 and 13 which are closest to the building are to be designed and designated as disabled parking bays. The provision of these can be secured by condition. Further to this, Policy 21 of the proposed LDP requires for development with 20 or more units for a minimum of 5% to be wheelchair accessible and the quality of being 'Welcoming' requires buildings to be legible and easy to access. All of the flats are to be designed to accommodate wheelchair users, with lifts being provided in each block to provide access to upper floors of the building. As 100% of the units will be wheelchair accessible, the proposal accords with Policy 21 of the proposed LDP and can be considered to meet the quality of being 'Welcoming' in this regard.

Regarding concerns raised in the representations received over a lack of a travel management plan being submitted with the application, the Head of Service – Roads and Transportation has not identified the proposal as being of a size that would require a travel management plan to be submitted as part of the application.

In considering the accessibility of public transport from the site and whether the proposal meets the quality of being 'Easy to Move Around', the site has good connectivity with public transport nodes, with the nearest bus stops being 150 and 425 metres from the site entrance on Greenock Road (A8). Both of these provide a number of regular services between 07:00 and 23:00. The site also has good rail connectivity, being located around 600 metres from Port Glasgow Railway Station. In considering the suitability of walking and cycling access (Policy 10), the proposal indicates that secure cycle storage is to be provided within the grounds of the building. I also note the comments from the Head of Service – Roads and Transportation advising that all footways are a minimum of 2.0 metres in width to afford suitable pedestrian access throughout the site. This matter can be secured by condition. I note that the site provides good access to the core path network which runs along the north-east boundary of the site along Greenock Road, therefore it meets the quality of being 'Easy to Move Around', and can be considered acceptable in being 'Resource Efficient' with regard to being built around public transport nodes.

### Low carbon infrastructure

In addition to the above, the quality of being 'Resource Efficient' also requires the proposal to incorporate low and zero carbon energy-generating technology. 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 the 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. I am content that this matter can be satisfactorily controlled by condition.

Policy 10 requires proposals to include electric vehicle charging infrastructure, having regard to the Supplementary Guidance on Energy. The guidance on Energy indicates that for residential flats and apartments, a minimum of 20% of available spaces are required to be fitted with a trickle charging point. I am content that this matter can be satisfactorily controlled by condition and that the proposal will incorporate low and zero carbon energy-generating technology. The proposal also makes use of previously development land, therefore it meets the quality of being 'Resource Efficient' in Policy 1 of both LDPs, and raises no concerns over compliance with Policy 6 of both LDPs.

The proposal is for redevelopment of a brownfield site which has been vacant for over 20 years and is located within an existing residential area. It will bring a site which has been effectively made obsolete back into active use, therefore it meets the quality of being 'Adaptable' in Policy 1 of both LDPs. Taking into account all of the above assessment, the proposal can be considered to have acceptable regard to the relevant factors to be considered 'Safe and Pleasant' and will provide a development that can be successfully integrated into the existing community, meeting the quality of being 'Welcoming'. It stands that the proposal meets all six qualities of successful places and relevant supplementary guidance, therefore it can be considered in accordance with Policy 1 of both LDPs. The proposal is considered to have acceptable regard to the character, appearance and amenity of the area and raises no conflict with Policy 20 of the proposed LDP.

### Other matters

Turning to the other points raised in the representations not yet addressed, regarding clarity on the number of flats in the scheme, the application has been submitted for the provision of 24 flats and is in line with the drawings.

Regarding concerns over a lack of school places for children moving into the development, the development will be for one and two bedroom flats for amenity housing and will primarily be made available to house older residents rather than families with children. The proposal is therefore not of a scale or type which is considered to have a significant impact on the local school capacity. Regarding concerns over a lack of local employment opportunities, this is not considered to be a material planning consideration.

Regarding access concerns and concerns over maintenance for the security gate located between Bay Street and the site, rights of access and agreements over maintenance costs for the security gate are civil matters to be discussed and resolved between the parties involved and are not a material planning consideration, therefore they can have no impact on the outcome of this application.

### Overall conclusion

The proposed development is in a sustainable location and strongly accords with national and strategic policies that direct development to existing brownfield sites within urban areas in the first instance before Green Belt sites. Furthermore, the proposal is considered to manage the historic environment with intelligence and understanding and therefore accords with the requirements of the "Historic Environment Policy for Scotland".

In conclusion, I consider that the proposal as submitted accords with Policies 1, 6, 9, 10, 16 and 29 of the adopted Local Development Plan and Policies 1, 6, 10, 11, 17, 18, 20, 21 and 29 of the proposed Local Development Plan. It is the case, however, that the proposal as submitted cannot be considered to accord with Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan.

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 set out above, it is considered that, in this instance, the shortfall in parking supply and the need for that to be addressed by securing the transfer of the site to a Registered Social Landlord (RSL) for the site to be occupied solely for the purposes of amenity housing to be a material consideration which, unless resolved would warrant refusal of the application.

As the applicant is not a Registered Social Landlord and it is not possible for a Registered Social Landlord to secure the necessary funding from the Scottish Government to take on a privately owned site without there being planning permission in place, I consider that there needs to be a secure mechanism in the form of a Legal Agreement in place prior to planning permission being granted. This would be required in order to afford the Registered Social Landlord the capability of being able to secure the necessary funding and agreement to take on the site for amenity housing, addressing the existing shortfall in parking supply. As such, I am minded to grant planning permission subject to conditions upon the conclusion of such an agreement.

### **RECOMMENDATION**

That following the conclusion of a Legal Agreement relating to the delivery of affordable housing on the site.

Planning permission shall be granted subject to the following conditions.

1. 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. 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. 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. 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. 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 bin store areas which such containers are to be located within. 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.
6. Unless agreed in writing by the Planning Authority, all footways provided within the site shall be a minimum of 2.0m wide.
7. All flatted residential units hereby approved 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 showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the construction of the flatted building being commenced.
8. The car parking hereby approved shall contain a minimum of five electric vehicle charging points to be made accessible for the charging of electric vehicles. Details demonstrating how this is to be achieved shall be submitted to and approved in writing by the Planning Authority prior to the erection of the flatted building.
9. Details of appropriate acoustic glazing and acoustic trickle vents or mechanical ventilation with heat recovery with appropriate acoustic glazing, as detailed in Sections 9 and 10.3 of the Noise Impact Assessment, authored by CSP Acoustics on the 23<sup>rd</sup> June 2021 shall be submitted to and approved in writing by the Planning Authority. The acoustic measures approved shall subsequently be installed prior to the development being occupied.
10. 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.
11. The flatted residences hereby approved shall not be occupied until the 21 off-street parking spaces shown in approved drawing A1233-BRU-ZZ-ZZ-DR-A-20010, Revision G have been provided. The 21 parking spaces shall be retained on site at all times thereafter unless otherwise agreed in writing by the Planning Authority.

12. A minimum of two disabled car parking spaces shall be provided within the site and these shall be a minimum of 6 metres long by 2.5 metres wide with a 1 metre clearance.
13. All remaining car parking spaces shall be a minimum of 5.0 metres long by 2.5 metres wide with an aisle spacing of a minimum of 6.0 metres.
14. Unless agreed in writing by the Planning Authority, all footpaths and footways within the site shall be a minimum of 2.0m wide.
15. The surface water flow from the site during and after development shall be limited to greenfield flow off.
16. Full details of any boundary treatments proposed along the western site boundary shall be submitted to and approved in writing by the Planning Authority. Development shall proceed utilising the approved materials, unless agreed in writing by the Planning Authority.
17. Prior to the commencement of development, full details of the proposed hard and soft landscaping for the site shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall include details of any trees currently on site which are to be retained and details of any trees, shrubs and hedges which are to be planted as part of the development. All soft landscaping hereby approved shall be planted during the first growing season following the first flatted property hereby permitted being occupied.
18. Details of maintenance and management for the landscaping shall be submitted to and approved in writing by the Planning Authority prior to any flatted property being occupied. Management and maintenance shall commence upon completion of the landscaping.
19. Any trees, shrubs, hedges or areas of grass which die, are removed, damaged or become diseased within five years of completion of the soft landscaping shall be replaced within the following year with others of a similar size and shape.

Reason:

1. In order to help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
3. 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.
4. To ensure all contamination issues are recorded and dealt with appropriately.
5. To protect the amenity of the immediate area and prevent the creation of nuisance due to odours, insects, rodents or birds.
6. To ensure safe footpath access in the interests of road and pedestrian safety.
7. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
8. To ensure adequate provision is made to encourage the use of electric vehicles.
9. In order to protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

10. In the interests of rail safety.
11. To ensure suitable parking provision for the new development in the interests of road safety.
12. To ensure the usability of the car parking spaces in the interests of road safety.
13. To ensure the usability of the disabled car parking spaces in the interests of road safety.
14. To ensure safe pedestrian access throughout the site.
15. To ensure the development does not increase the risk of flooding to nearby properties.
16. In order to provide an appropriate finish to the site.
17. To ensure the provision of a suitable landscaping scheme in the interests of visual amenity and to ensure the provision of a visually acceptable environment.
18. To ensure the maintenance and management of the approved landscaping scheme in the interests of visual amenity.
19. To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity.

Stuart W Jamieson  
Interim Director  
Environment & Regeneration

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