

**Report To: The Planning Board**

**Date: 7 June 2023**

**Report By: Director  
Environment & Regeneration**

**Report No: 23/0007/IC  
Plan**

**Local Application  
Development**

**Contact Officer: David Sinclair**

**Contact No: 01475 712436**

**Subject: Proposed erection of industrial unit (Class 5) with ancillary industrial building (Class 5) comprising three units, formation of allotments and upgrading of public open space at  
Land to the west of the industrial units at Upper Cartsburn Street, Greenock.**



## SUMMARY

- The proposal raises no conflict with National Planning Framework 4.
- The proposal is a departure from the adopted and proposed Inverclyde Local Development Plan as the site is not identified for industrial development.
- The proposal accords with the adopted and proposed Inverclyde Local Development Plan in terms of the formation of allotments and upgrading of public open space.
- One representation has been received in support of the proposal.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=ROMZ3WIMKLZ00>

## **SITE DESCRIPTION**

The application site comprises an area of unmaintained public open space covering approximately 0.79 hectares located on the west side of Upper Cartsburn Street, Greenock. The site is relatively flat, with a slight decline to the north and an embankment along the western boundary. A public footpath runs through the site from south-east to north-west. A number of self-seeded juvenile and early-mature trees are located around the edges of the site and towards the south-east corner, ranging between 5 and 10 metres in height.

The site is bound by the Glasgow to Wemyss Bay railway line to the south, with open space beyond; an area of public open space and a bowling green to the west; a disused railway line to the north with industrial units beyond; and industrial units to the east across Upper Cartsburn Street. Boundary treatments include 2m high grey security railings along the north and south boundaries.

## **PROPOSAL**

Planning permission is sought for the erection of two buildings and an external yard area for a Class 5 industrial use, the formation of an area for allotments and upgrading works to the existing public open space. The proposed industrial site will cover an area of approximately 0.29 hectares over the eastern section of the site, with the remaining two thirds being retained as open space. The middle section of the site is proposed to contain allotments covering approximately 0.13 hectares along the northern boundary, and the remaining 0.37 hectares is proposed to be retained as public open space.

The main industrial building is proposed to comprise a workshop and office, covering a footprint of approximately 700 square metres and is to be located towards the south-east corner of the site. A smaller building measuring 18m in width by 9m is to be located along the northern boundary and will be subdivided internally into three units. The remainder of the industrial site is to be topped with hardstanding and include areas for parking, waste, cycle parking and a storage yard. It is proposed to construct a 2.4m high palisade fence around the perimeter of the industrial yard. A 1.8m high timber fence is proposed to be constructed around the allotments.

The drawings indicate that the allotments are to be partitioned into twelve areas, ranging between 77 and 119 square metres in size. The drawings indicate the potential for outbuildings including sheds and greenhouses on the plots, however no details are provided confirming sizes, designs or materials for any associated allotment outbuildings.

A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted as part of the application along with a Supporting Statement.

## **NATIONAL PLANNING FRAMEWORK 4 (NPF4)**

NPF4 was adopted by the Scottish Ministers on 13<sup>th</sup> February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13<sup>th</sup> February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

### **Policy 1**

When considering all development proposals significant weight will be given to the global climate and nature crises.

### **Policy 2**

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

### **Policy 3**

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

### **Policy 9**

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

### **Policy 12**

c) Development proposals that are likely to generate waste when operational, including residential, commercial and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:

- i. provision to maximise waste reduction and waste separation at source, and
- ii. measures to minimise the cross contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

### **Policy 20**

a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained. The planning authority's Open Space Strategy should inform this.

b) Development proposals for or incorporating new or enhanced blue and/or green infrastructure will be supported. Where appropriate, this will be an integral element of the design that responds to local circumstances.

Design will take account of existing provision, new requirements and network connections (identified in relevant strategies such as the Open Space Strategies) to ensure the proposed blue and/or green infrastructure is of an appropriate type(s), quantity, quality and accessibility and is designed to be multi-functional and well-integrated into the overall proposals.

d) Development proposals for temporary open space or green space on unused or under-used land will be supported.

e) Development proposals that include new or enhanced blue and/or green infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

### **Policy 23**

a) Development proposals that will have positive effects on health will be supported. This could include, for example, proposals that incorporate opportunities for exercise, community food growing or allotments.

### **Policy 26**

a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.

c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

d) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:

- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii. The nature and scale of the activity will be compatible with the surrounding area.

e) Development proposals for business and industry will take into account:

- i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
- ii. The need for appropriate site restoration at the end of a period of commercial use.

## **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 7 – Waste Reduction and Management**

Proposals for waste management facilities will be supported where they:

- a) Support the national Zero Waste Plan and promote the waste hierarchy;
- b) Enable the management of waste closer to where it arises;
- c) Avoid significant adverse impact on the amenity and operations of existing and adjacent uses and the road network; and
- d) Avoid significant adverse impact on historic buildings and places and the green network and our natural and open spaces.

Where necessary, proposals should demonstrate how any site affected by the proposal will be fully restored through an appropriate aftercare programme and a financial guarantee to ensure its implementation.

Where applicable, the design and layout of new development must enable the separation, storage and collection of waste in a manner that promotes the waste hierarchy. Opportunities for integrating efficient energy and waste innovations within business environments will be encouraged.

### **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 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 35 – Open Spaces and Outdoor Sports Facilities**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- a) the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- b) the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- c) a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

### **Policy 36 – Delivering Green Infrastructure through New Development**

The council supports the integration of green infrastructure into new development and will require green infrastructure to be provided in association with new development in accordance with the relevant Supplementary Guidance.

### **Policy 38 – Path Network**

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

Where applicable, development proposals will be required to provide new paths in order to encourage active travel and/or connectivity to the green network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

## **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.

\*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 7 – Waste Reduction and Management**

Proposals for waste management facilities will be supported where they:

- a) support the national Zero Waste Plan and promote the waste hierarchy;
- b) enable the management of waste closer to where it arises;
- c) avoid significant adverse impact on the amenity and operations of existing and adjacent uses and the road network; and
- d) avoid significant adverse impact on the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

Where necessary, proposals should demonstrate how any site affected by the proposal will be fully restored through an appropriate aftercare programme and a financial guarantee to ensure its implementation.

Where applicable, the design and layout of new development must enable the separation, storage and collection of waste in a manner that promotes the waste hierarchy. Opportunities for integrating efficient energy and waste innovations within business environments will be encouraged.

### **Policy 9 – Managing Flood Risk**

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

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

The Council will support, in principle, the flood risk management schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the



transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

### **Policy 10 – Surface and Waste Water Drainage**

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

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

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

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

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

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

### **Policy 11 – Promoting Sustainable and Active Travel**

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

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

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

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

### **Policy 12 – Managing Impact of Development on the Transport Network**

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

### **Policy 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 36 – Safeguarding Green Infrastructure**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- a) the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- b) the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- c) a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

### **Policy 37 – Delivering Green Infrastructure Through New Development**

Green infrastructure provision should be informed by an appraisal of the existing natural features and eco systems services on and in close proximity to the proposed development site and fully incorporated into the wider design process at an early stage, in line with the approach to be set out in the Supplementary Guidance on Green Infrastructure.

Development proposals are required to provide open space in line with the standards to be set out in Supplementary Guidance on Green Infrastructure. The Supplementary Guidance will also set out circumstances under which off-site provision or a developer contribution towards green infrastructure will be provided.

Where opportunities exist, development proposals will be required to provide new paths linking to the active travel network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

Development proposals are required to demonstrate how naturalised features will be incorporated into SuDS provision, in order to provide additional benefits such as habitat creation and open space. Where a Suds proposal forms part of open space provision, it should be made safe and accessible.

The Supplementary Guidance on Green Infrastructure will set out how biodiversity enhancement can be incorporated into new developments, and the circumstances in which provision will be expected.

Green infrastructure proposals should be supported by information on how long term management will be achieved, including maintenance requirements, who will be responsible for meeting these requirements, and how they will be funded.

## **CONSULTATIONS**

**Head of Service – Roads and Transportation** – Advises the following:

- The parking requirements details in the National Roads Development Guide for Class 5 is 1 space per 50sqm. There are 3 smaller units of 55 sqm each and a large unit of 683sqm. Therefore the parking requirement is 17 parking spaces. This should include a minimum of 2 disabled bays. The proposed parking meets this requirement.
- Parking bays to be 2.5m x 5.0m with minimum 6m aisle spacing. The parking provided meets this requirement.
- Disabled parking bays to have 1m clearance around 2.9m x 5.5m. The parking provided meets this requirement.
- Pedestrian access and routes through the site should be demonstrated and they should be a minimum of 2m wide. The route within the site meets this requirement.
- The cycle parking requirements detailed in the National Roads Development Guide for Class 5 is 1 space per 250sqm for staff and 1 space per 500sqm for visitors. For 848sqm this is 4+2=6 spaces. The proposed cycle parking meets this requirement.

- The tracking drawings provided are acceptable.
- The applicant has demonstrated that they can achieve a visibility splay of 2.4m x 43.0m x 1.05m from the access. The fence should remain outside the visibility splay.
- There is no parking standard provided for allotments within the National Roads Development Guide, however, it is reasonable that those using the allotments may arrive by car with plant and tools. It is therefore recommended that the applicant provide a minimum of 2 parking spaces close to the path leading to the allotments. The applicant should show they can achieve a visibility splay of 2.0m x 20.0m x 1.05m from the parking spaces on to Upper Cartsburn Street.
- The path from Upper Cartsburn Street to Wellington Park should be a minimum of 3.0m wide to accommodate both pedestrians and cyclists. This should be retained in perpetuity. The path should be lit.
- FRA and Drainage Strategy are acceptable and both have been independently checked and verified.
- Drainage strategy and drawings are acceptable.
- All surface water flows are to be contained within the site. It is noted from drawing 1037962 that proposed flow paths to the east of the site flow onto the public road network whereas the existing flow paths at the same location flow away from the public network. Please clarify how these flow paths are to be dealt with at the development boundary. Green-field run-off rate is achieved by hydro-brake flow control before discharging to the surface water network which is acceptable.
- It is noted from the FRA that the PDE has been submitted and is awaiting a response (FRA to be updated accordingly). Approval of connection to Scottish Water network for discharge flows to be submitted when obtained.
- A Section 56 Agreement will be required for any changes to the public road network.

**Head of Public Protection and Covid Recovery – Advises the following:**

There is a food growing/allotment element appearing in the supporting statement submission. Whilst the site has undergone only minor development, its proximity to industrial activity and informal waste disposal in the area should not be overlooked. A site investigation with targeting of sample/analysis of soil that might be used for food growing.

- 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 development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place. 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, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- Advisory notes are recommended with regard to site drainage; Construction (Design & Management) Regulations 2015 (CDM 2015); surface water; and the design and construction of buildings relating to gulls.

**Network Rail** – No objections in principle. Due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

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

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

**Scotia Gas Networks** – 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**

The application was advertised in the Greenock Telegraph on 27th January 2023 as there being are no premises on neighbouring land and the proposal is a departure from the development plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. One representation was received in support of the application both in terms of necessary expansion and the provision of new jobs.

The representation comments that the design to fully integrate with the surroundings and the provision of community growing space is welcomed and would be transformed to an attractive commercial site that will enhance the surrounding area.

## **ASSESSMENT**

The application is a Local Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The material considerations in determination of this application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP); the Supplementary Guidance note on Energy; and the consultation responses.

### National Planning Framework 4

The site is a greenfield site within the existing urban area and requires consideration under Policies 1, 2, 3, 9, 20 and 23 of NPF4. As the proposal is for a mixed-use development with part of the site being developed for an industrial use, Policies 12 and 26 of NPF4 also require consideration. Policy 1 of NPF4 requires consideration of the global climate and nature crises to be given to all development. Policy 2 of NPF4 requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions and to be able to adapt to current and future risks from climate change. Policy 3 of NPF4 requires the impacts on biodiversity and the natural environment to be considered.

Policy 9 of NPF4 supports the redevelopment of brownfield sites. As the site is greenfield the proposal is at variance with this policy. Policy 23 of NPF4 identifies that development proposals which have positive effects on health, including proposals that incorporate opportunities for exercise, community food growing, or allotments will be supported. The proposal includes the provision of new allotments which Policy 23 considers having positive benefits on the health of the local populace. The proposal therefore accords with Policy 23 of NPF4.

Policy 26 of NPF4 states that proposals for industrial uses outwith areas identified for those uses in the LDP will only be supported where it is demonstrated there are no suitable alternatives allocated in the LDP and the nature and scale of the activity is compatible with the surrounding area. Further consideration is required in terms of impacts on residential amenity, sensitive uses and the natural and historic environment. The supporting statement submitted indicates that the proposed industrial building is required for the expansion of an existing local business and that there are no suitable alternatives allocated in the LDP, with the business having pursued three alternative sites for relocation, all of which were ultimately deemed unsuitable. In terms of the nature and scale, the proposal is in close proximity to other industrial uses to the east of the site. There are further industrial uses to the north of the disused railway line which runs along the north of the site. The proposal can therefore be considered to be generally compatible with the surrounding area. The proposed buildings are similar in scale to neighbouring industrial buildings and can be considered to be appropriately designed for the site. The proposed layout can be considered to reflect the urban form of the area. The site is not in close proximity to any residential areas or other sensitive uses and is not in close proximity to any historically significant buildings or sites and can be considered acceptable in this regard.

In terms of Policies 1, 2, 3, 12 and 20, further assessment is required alongside local policy to determine whether the proposal can be implemented in a sustainable manner.

### Local Policy

The site is identified in both the adopted and proposed LDPs as being within an area designated as open space and requires to be assessed against Policies 1 and 35 of the adopted LDP and Policies 1 and 36 of the proposed LDP. As the application is for the provision of a new industrial site, Policy 26 of both LDPs require consideration. The proposal involves the construction of new buildings which require consideration under Policy 6 of both LDPs. Policy 7 in both LDPs requires assessment as the proposal includes the provision of new provision of a new building which will generate waste and recyclable materials. Policy 8 in the adopted LDP

and Policy 9 of the proposed LDP require flood risk to be considered and Policy 9 of the adopted LDP and Policy 10 of the proposed LDP are relevant as the proposal is for new development which will require surface water to be drained. Policies 10 and 11 of the adopted LDP and Policies 11 and 12 of the proposed LDP are relevant as the proposal will result in an increase in pedestrian and vehicular traffic in the area. Policy 38 in the adopted LDP is also applicable to assess accessibility of the site for pedestrians and cyclists. In terms of the impacts on biodiversity and green infrastructure Policies 33 and 36 of the adopted LDP and Policies 33 and 37 of the proposed LDP require consideration.

The relevant qualities to this application in Policy 1 of both LDPs are: 'Distinctive' through reflecting local architecture and urban form, using native species in landscaping and creating habitats for native wildlife; 'Resource Efficient' through making use of existing buildings and previously developed land, incorporating low and zero carbon energy-generating technology and providing space for the separation and collection of waste; 'Easy to Move Around' by being well connected and recognising the needs of pedestrians and cyclists; 'Safe and Pleasant' by avoiding conflict with adjacent uses, avoiding creating spaces that are unsafe, incorporating appropriate lighting, minimising the impact of traffic and parking on the street scene and incorporating green infrastructure and providing links to the green network; and 'Welcoming' by integrating new development into existing communities and creating attractive and active streets.

The proposed site is neither in Schedule 9 of the adopted LDP nor in Schedule 8 of the proposed LDP and is at variance with Policy 26 of both LDPs. The proposal also does not make use of existing buildings or previously developed land and as such, cannot be considered to be "Resource Efficient" in this regard.

#### Open Space and Green Network

In considering Policy 33 and the impacts of the proposal on biodiversity and geodiversity, the site is identified as a non-designated site in both LDPs. I note that the proposed site is currently naturally regenerated, providing informal habitat networks to the nearby green areas. A more manicured open space and allotments would result in the loss of some natural regeneration but the fact that two thirds of the site would remain as open space would still provide habitat opportunities. In considering the impacts of tree removal, whilst acknowledging that a number of trees will require to be removed to accommodate the proposal, I consider that the site is of a scale that would be able to support the proposal along with an appropriate replanting scheme which would maintain the existing level of tree coverage across the site. The site does not contain any notable or veteran trees which would warrant retention as part of any planning permission granted for the proposal. I consider that the provision of replacement trees for ones removed can be addressed as part of a landscaping scheme. Any replacement trees should be native species as these are best suited for enhancing the overall biodiversity of the site and creating a suitable habitat for native wildlife, in accordance with the quality of being 'Distinctive' in Policy 1 of both LDPs. I consider this matter can be addressed by a planning condition should planning permission be granted.

Taking this into consideration, I conclude that the proposal can be implemented in a manner which has a positive impact on biodiversity and geodiversity and therefore can be considered in accordance with Policy 33 of both LDPs. As the proposal can be implemented in a manner which will allow for any biodiversity loss from the industrial development to be offset within the remaining green space within the site, it can be considered to accord with the requirements of Policy 3 of NPF4. As the proposal is considered to have an acceptable impact on the natural environment, it also stands to accord with Policy 26 of NPF4.

In considering Policy 35 of the adopted LDP and Policy 36 of the proposed LDP, whilst there would be a loss of amenity of open space contrary to these Policies, there would be an improvement in the quality of the remaining open space on the site with additional community benefits made through the provision of allotments which would help to negate the loss of open space. The existing situation means that the development would not result in the loss of any recreational areas or sports facilities from the reduction in available open space on the site. The proposal has been designed in a manner which does not result in the fragmentation of adjoining

green space areas and allows for the overall integrity of the green network to be preserved, in accordance with criterion a) of NPF4, Policy 20.



View facing west across the site taken from the north-east corner of the site.

Policy 36 of the adopted LDP and Policy 37 of the proposed LDP seek to deliver green infrastructure through new development. The development of two thirds of the site with upgraded open space and the upgrading of the existing footpath through the site for walking and cycling along with an appropriate landscaping scheme would satisfy this requirement. The proposal would meet the quality of being 'Safe and Pleasant' in terms of incorporating green infrastructure and providing links to the green network. The enhancement of the remaining green space as an area which can be used by local residents is in accordance with criterion b) of NPF4, Policy 20 and the provision of allotments on unused open space accords with criterion d) of NPF4, Policy 20. The proposal can also be considered to meet the quality of being 'Welcoming' in Policy 1 of both LDPs through creating attractive and active streets. Regarding the management and maintenance of the open space (criterion e) of NPF4, Policy 20), this matter can be secured by condition of the grant of any planning permission. Based on the above, the proposal I consider the proposal accords with the relevant criteria in Policy 20 of NPF4.

Based on the above, I consider that in terms of the global climate and nature crises, the proposal is for a small scale industrial development for an existing local business which would allow them to continue serving an existing local client base in a manner which would have a lesser impact on the global climate than if they had to relocate further afield. The proposal is sited in a sustainable location and can be implemented utilising green technologies which would minimise any negative effects of development. As such, I consider the proposed to accord with Policy 1 of NPF4.

### Design and Layout

In considering the proposed layout and design and whether this reflects local architecture and urban form, the positioning of the industrial buildings within the eastern portion of the site locates them in close proximity to neighbouring industrial buildings on Upper Cartburn Street and the positioning of the allotments and remaining open space over the western two-thirds of the site allows them to adjoin Wellington Park and the neighbouring areas of undeveloped open space. I consider the proposed layout to be best suited to reflect the surrounding areas and to reflect the urban form of the area, in accordance with the quality of being 'Distinctive'.



In terms of design, the industrial buildings are to be finished with buff facing brick, grey powder coated aluminium roof cladding with blue trims and blue sectional roller doors, all of which are finishing materials which would be expected for this type of development, with the blue finishes reflecting the blue panelling on the unit directly opposite the site. The main building is to be similar in size to neighbouring industrial units and will not appear excessive in height relative to its surroundings. The proposed design is symmetrical on the rear and both sides and with the exception of the office door on the north-east facing front elevation, has a symmetrical frontage. The use of matching materials and finishes on the ancillary building and the symmetrical design results in a cohesive design which I consider provides a balanced appearance.

In considering boundary treatments, the choice of palisade fencing around the industrial site reflects the palisade fencing in use around other industrial sites on Upper Cartsburn Street, including the neighbouring vehicle repair business directly opposite and can be considered appropriate for this type of development.

### Flooding and Drainage

With respect to flooding and drainage, the site is not identified on the indicative Flood Risk maps produced by SEPA as being at risk from river or coastal flooding. The eastern part of the site contains areas identified on the Flood Risk maps as being at risk of surface water flooding. In this respect, the applicant has submitted a Flood Risk Assessment (FRA) which demonstrates that the proposed site is not at risk of flooding or increasing flood risk to other nearby sites and will not impact on the functionality or storage capacity of the flood plain, therefore it raises no conflicts in terms of Policy 8 of the adopted Plan and Policy 9 of the proposed Plan, and will be able to adapt to impacts of climate change, in accordance with criterion b) of NPF4, Policy 2.

In order to manage surface water run-off the development at the overall site will be required to have a Sustainable Urban Drainage System (SuDS). In respect of this, the applicant has submitted a Drainage Strategy and associated drawings. 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, advising that the proposed use of hydro-brake flow control to limit surface water run-off to greenfield levels is an appropriate solution to address surface water run-off rates. The requirement for surface water to be contained within the site can be addressed by condition along with the requirement for approval of a suitable connection to Scottish Water Network. On this basis I conclude that the proposal accords with Policy 9 of the adopted LDP and Policy 10 of the proposed LDP.

### Low carbon infrastructure

In order for the proposal to meet the quality of being 'Resource Efficient', it needs to incorporate low and zero carbon energy-generating technology. Policy 6 of both LDPs requires all new buildings to be designed to ensure the carbon dioxide emissions reduction standard set by the Scottish Building Standards is met through the installation and operation of low and zero carbon energy generating technologies. I am content this matter can be satisfactorily addressed by a planning condition to ensure this requirement is met, in accordance with Policy 6 of both LDPs and to meet the quality of being 'Resource Efficient' in this regard.

Policy 10 of the adopted LDP and Policy 11 of the proposed LDP requires proposals to include electric vehicle charging infrastructure, having regard to the requirements in the Supplementary Guidance on Energy. The guidance note on Energy identifies electric vehicle charging points are only required for this type of development where a travel plan is required to be submitted for the site. The Head of Service – Roads and Transportation has not considered the proposal to be of a scale that would require a travel plan and as such, has excluded this requirement from their consultation response. As the proposal has not been identified as requiring a travel plan, it can be considered acceptable with regard to the guidance note on Energy. I consider the proposal can be designed to incorporate the required levels of low and zero carbon energy-generating technology and therefore it stands to meet the quality of being 'Resource Efficient', as well as complying with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP in

this regard. The provision of low and zero carbon energy-generating technology will assist in minimising the overall lifecycle greenhouse gas emissions, in accordance with Policy 2 of NPF4.



View facing east from the centre of the site facing towards where the industrial element of the proposal is to be sited.

### Transport and Connectivity

With regard to traffic, parking and road safety, I will assess these against Policy 11 of the adopted LDP and Policy 12 of the proposed LDP and whether the proposal meets the quality of being 'Safe and Pleasant' in terms of minimising the impact of traffic and parking on the street scene. In considering these matters I note the advice given by the Head of Service – Roads and Transportation with regard to off-street parking. Following further discussions with the applicant, they have submitted revised drawings which demonstrate that the 17 off-street parking spaces required can be provided within the industrial unit, inclusive of two disabled parking bays and that two off-street parking spaces can be provided outwith the industrial site adjacent to the public footpath for use by persons accessing the allotments. The drawings also demonstrate that required levels of cycle parking provision and pedestrian access can be safely met within the site. These have been confirmed as satisfactory by the Head of Service – Roads and Transportation. The provision of the parking spaces indicated can be addressed by planning conditions to ensure suitable parking is provided for all users and that the impacts of vehicles using the site in terms of traffic and parking are minimised.

Regarding the new access which is to be formed, the applicant has submitted drawings showing visibility splays and vehicle tracking for delivery vehicles to satisfaction of the Head of Service – Roads and Transportation. The provision and retention of these on site can be secured by condition. The Head of Service – Roads and Transportation has also confirmed suitability of the upgrading works to the public footpath for both pedestrians and cyclists. Furthermore, the drawings indicate that lighting will be provided along the footpath, which I consider will make the area safer for persons using the footpath during hours of darkness, making the space safer than the existing situation and meeting the quality of being 'Safe and Pleasant' through avoiding creating spaces that are unsafe or likely to facilitate anti-social behaviour or crime. The provision of the upgraded footpath with associated lighting can be secured by means of condition. The requirement for a Section 56 Agreement is more appropriately addressed under legislation controlled by the Head of Service – Roads and Transportation. This matter can be addressed by an advisory note on any grant of planning permission. Based on the above assessment, I consider that the proposal complies with Policy

11 of the adopted LDP and Policy 12 of the proposed LDP and will have an acceptable impact on traffic and parking on the street scene, as required to meet the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs.



View along the existing footpath facing west taken from the centre of the site.

In considering whether the proposal meets the quality of being 'Easy to Move Around', the site is well connected by public transport nodes, with the nearest bus stops being within 400m of the site on Ingleston Street. The nearest railway link at Whinhill Station is around 300m from the access path to the open space and around 350m from the entrance to the proposed industrial unit. The proposed upgrading of the footpath through the site will provide improved opportunities for walking and cycling across the site. Overall, I consider the proposal meets the quality of being 'Easy to Move Around'.

In considering Policy 10 of the adopted LDP and Policy 11 of the proposed LDP, although the site is not in close proximity to the core path network, the provision of an upgraded footpath running through the open space element of the development would meet the requirement for the provision of walking and cycling opportunities and provide links to the wider network affording pedestrian access between the site and Drumfrochar Road and Wellington Park to the west. The applicant has submitted revised drawings which indicate that the minimum width of the footpath will comply with the advice from the Head of Service – Roads and Transportation and that lighting columns are to be installed along the footpath, also in line with the advice from the Head of Service – Roads and Transportation. This will improve walking and cycling opportunities through the site and encourage greater use of the public open space area. Upgrading of the footpath can be secured by a condition on the grant of any planning permission to ensure public access is afforded at all times.

The proposal seeks to retain and upgrade the existing footpath which runs through the site and therefore is considered to accord with Policy 38 of the adopted LDP. The proposal will improve walking and cycling opportunities through the site and therefore accords with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP.

#### Other matters raised in consultation responses

Turning to other matters raised in the consultation responses not yet addressed, I note the consultation response from the Head of Public Protection and Covid Recovery raises no objections to the proposal. He has advised conditions in respect of a survey to be carried out for

Japanese Knotweed, 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 in respect of the above advice and consider that these matters can be addressed by means of conditions.

I note the advice given regarding the potential for food growing within the allotments and for the environment investigation to be carried out in a manner which specifically includes sampling and analysis of soil which might be used for food growing. The advice given in relation to the Environmental Investigation is that this will be site specific and undertaken in the context of the proposed development, which will ensure that this matter can be addressed under the condition advised.

The other conditions requested relating to waste storage and external lighting are matters most appropriately controlled by advisory notes together with the other advisory notes recommended by the Head of Public Protection and Covid Recovery, however I note that the applicant has indicated an area on the site plan for waste and recycling storage to be accommodated, meeting the quality of being 'Resource Efficient' in Policy 1 of both LDPs through providing space for the separation and collection of waste at source. This also accords with Policy 12 of NPF4 and Policy 7 of both LDPs. On balance, despite not making use of an existing building or previously developed land, the proposal meets all other factors to be considered 'Resource Efficient' and as such, I consider it to meet this quality.

In terms of being 'Safe and Pleasant', I consider that the proposal can be implemented without creating conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing. In line with my previous assessment, the proposal will also avoid creating unsafe spaces, incorporate appropriate lighting, minimise impacts on traffic and parking and incorporate green infrastructure and provide links to the green network. It stands that the proposal meets all relevant factors to be considered 'Safe and Pleasant'. Taking into account all of the above assessment, I consider that the proposal can be successfully integrated into the existing area and as such stands to meet the quality of being 'Welcoming'. As the proposal is considered to meet all relevant qualities of successful places and accord with the relevant supplementary guidance, it stands to accord with Policy 1 of both LDPs.

I note the comments received from Network Rail and concur that these can be addressed by an advisory note should planning permission be granted.

### Conclusion

In summary, the construction of an industrial unit and ancillary buildings on a site designated as open space is contrary to Policy 35 of the adopted LDP and Policy 36 of the proposed LDP were it not for the inclusion within the proposal of the open space and allotments to replace the current amenity open space which provides an informal green space in the area. The development would also formalise the footpath that runs through the site, improving access for a wider range of users.

There are established business and industry uses around the site, therefore the proposed use would be compatible with the character of the surrounding area. The development of this site would allow a local business to stay within the authority area and retain jobs locally whilst using only one third of the site. The development of the open space should not though, be something that is seen as temporary, and which could be removed if it was decided that a further extension of the business was necessary in the future.

It would also be important to ensure the open space and allotments elements of the development are carried out alongside the construction of any industrial building to ensure that it is not a case of the building getting completed and then the open space and allotments not following. The provision of an enhanced area of open space is a major reason for the proposal being acceptable and I consider that this matter can be secured by condition to ensure that the proposed industrial development does not operate without these works being implemented.

In conclusion, the proposal can be supported under Policies 1, 2, 3, 12, 20, 23 and 26 of NPF4, Policies 1, 6, 7, 8, 9, 10, 11, 33, 36 and 38 of the adopted LDP and Policies 1, 6, 7, 9, 10, 11, 12, 33 and 37 of the proposed LDP. It is the case, however, that the proposal as submitted cannot be supported under Policy 9 of NPF4 and cannot be considered to accord with Policies 26 and 35 of the adopted Local Development Plan and Policies 26 and 36 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. Having assessed the proposal, I conclude that although the proposal does not accord with the Policies on business and industrial development opportunities and on open space in both the adopted and proposed LDPs, there are material considerations which indicate that the proposal can be supported at this location. The proposal will be sited in close proximity to other business and industrial uses and will present new opportunities for local employment through the growth of local business and will allow for an existing local employer to remain within the local area. The proposal will also provide enhanced opportunities for recreational use of the remaining open space which would add value to this area of public open space and offset the loss of part of the existing open space for the industrial development.

Overall, I consider there to be material considerations to this proposal which would outweigh the fact that the proposal does not accord with all relevant Development Plan Policies. In line with Section 25 of the Town and Country Planning (Scotland) Act 1997, I conclude that planning permission should be granted, subject to conditions.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. For the avoidance of doubt, the allotments hereby approved shall be completed and ready for use prior to the first occupation of any building on site.
3. 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.
4. 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. For the avoidance of doubt, this shall include a site investigation which includes sample/analysis of soil that might be used for food growing. 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.
5. 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.

6. 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.
7. The industrial buildings hereby permitted shall be designed to ensure that at least 20% 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 (rising to at least 25% by the end of 2025). Details showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the erection of the buildings.
8. The industrial buildings hereby permitted shall not be occupied until the 19 car parking spaces shown in approved drawing ST-001, Revision B have been provided. The 19 parking spaces shall be retained on site at all times thereafter unless otherwise agreed in writing by the Planning Authority.
9. Car parking spaces shall be a minimum of 5 metres long by 2.5 metres wide with an aisle spacing of a minimum of 6 metres.
10. Disabled car parking spaces shall be a minimum of 5.5 metres long by 2.9 metres wide with a 1 metre clearance.
11. The industrial buildings hereby approved shall not be occupied until the 6 cycle hoops shown in approved drawing ST-001, Revision B have been provided. The 6 cycle hoops shall be retained on site at all times thereafter unless otherwise agreed in writing by the Planning Authority.
12. For the avoidance of doubt, the 3 metre wide public footpath and the lighting columns as shown on drawing number ST-001, Revision B between Upper Cartsburn Street and Wellington Park shall be constructed/installed before occupation of any part of the development and shall be retained thereafter unless their removal is otherwise agreed in advance in writing by the Planning Authority.
13. For the avoidance of doubt, all surface water flows are to be contained and managed within the site and run-off from the site shall be limited to greenfield run-off rates.
14. Prior to the commencement of works, confirmation of connection to Scottish Water's Network shall be submitted to and approved in writing by the Planning Authority.
15. Development shall not commence on site until details have been submitted to and approved in writing by the Planning Authority in respect of the following:
  - a) Full details of landscaping and open space provision, detailing all existing landscape features and vegetation to be retained as well as trees to be felled;
  - b) Details of protective measures for all trees which are to be retained;
  - c) The locations of new trees, shrubs, hedges, grassed areas and water features;
  - d) A schedule of new trees and plants including species, plant sizes and proposed numbers and density;
  - e) The layout, design and materials of all hard landscaping works.

Thereafter the development shall be implemented as approved.

16. No tree works or vegetation clearance approved under Condition 15 above shall occur on site from March through September (inclusive) each year unless otherwise agreed in writing with the Planning Authority prior to clearance works commencing. In the event that clearance is proposed between March to September (inclusive), a nesting bird survey shall be carried out by an experienced ecologist covering the proposed clearance area prior to each stage of tree felling and vegetation clearance and shall be submitted to and approved in writing by the Planning Authority before those clearance works commence. Once written approval has been given, the works themselves shall be carried out within a specified and agreed timescale.
17. Prior to the commencement of any works, the tree protection measures approved under Condition 15 above for all trees to be retained shall be erected. All trees must be protected by barriers and/or ground protection to form a Construction Exclusion Zone in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS5837:2012 and shall not be removed during the course of construction work.
18. For the avoidance of doubt, for every tree identified which has been identified for removal under Condition 15 above, a replacement tree shall be planted within the site boundary. The replacement trees shall be planted prior to the conclusion of the first planting season following the site being brought into use.
19. No movement of machinery, stockpiling of materials, or changes in existing ground levels shall take place within the Construction Exclusion Zone throughout the duration of the construction works.
20. Where new surfacing is to be installed within the Construction Exclusion Zone of trees which are to be retained, precautions shall be taken to minimise disturbance to tree root systems, in accordance with BS5837:2012, Section 7.4.
21. Details of maintenance and management for the area which is to remain as open space shall be submitted to and approved in writing by the Planning Authority prior to the first occupation of any building on site. Management and maintenance shall commence upon completion of the landscaping.
22. Any of the trees, areas of grass or planted shrubs or bushes approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure that the loss of open space within the site resulting from the development is offset by the upgrading of the remaining open space within the site.
3. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
4. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
5. 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.
6. To ensure that all contamination issues are recorded and dealt with appropriately.

7. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
8. To ensure suitable parking provision for the new development in the interests of road safety.
9. To ensure the usability of the car parking spaces in the interests of road safety.
10. To ensure the usability of the disabled car parking spaces in the interests of road safety.
11. To ensure suitable cycle parking provision for the new development in the interests of road safety.
12. In order to provide a suitable access through the site for both pedestrians and cyclists.
13. To ensure the development does not increase the risk of flooding to adjoining sites or the public road.
14. To ensure Scottish Water's acceptance of the drainage regime for the application site and in the interests of the provision of a satisfactory drainage regime.
15. To ensure that the landscaping details and tree coverage on the site are given full consideration and are acceptable.
16. To ensure the appropriate protection of breeding birds.
17. To ensure the retention of and avoidance of damage to trees during development.
18. In the interests of biodiversity and to preserve the open space setting.
19. To ensure the retention of and avoidance of damage to trees during development.
20. To ensure the retention of and avoidance of damage to trees during development.
21. To ensure the maintenance of the open space in the interests of visual amenity and public safety.
22. To ensure that existing biodiversity levels in and around the site are preserved.

Stuart W Jamieson  
Director  
Environment & Regeneration

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