

Report To: The Planning Board

Date: 1 November 2023

Report By: Director of Environment & Regeneration

Report No: 23/0150/IC

Local Application Development

Contact Officer: Carrie Main

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Subject: Installation of a Top Up Tap for water bottles at Lochwinnoch Road, Kilmacolm



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SUMMARY

- The proposal is acceptable when assessed against the Development Plan, which comprises: National Planning Framework 4; the 2019 adopted Inverclyde Local Development Plan; and the 2021 proposed Inverclyde Local Development Plan.
- 2 representations have been received objecting to 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=RXQG0DIMMVN00>

SITE DESCRIPTION

The application site comprises of an area the paved public footpath, located on the east side of Lochwinnoch Road, at the corner and immediately in front of the Library and Community Centre, within the centre of Kilmacolm and within the Kilmacolm Cross Conservation Area.

PROPOSAL

Planning permission is sought to install a cylindrical water bottle refill station. The refill station is to extend to a height of approximately 1.62 metres by 0.25m in diameter. It is of metal construction and proposed to be finished in colour 5010 (Gentain Blue).

The application is accompanied by a supporting statement and visualisations. The statement further explains that this site was selected following community requests, a feasibility review, site visit and based on several factors, including proximity to water supply.

DEVELOPMENT PLAN POLICIES

NATIONAL PLANNING FRAMEWORK 4

NPF4 was adopted by the Scottish Ministers on 13th 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 NPF3 and SPP no longer represent Scottish Ministers' planning policy.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 13th 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 7- Historic Assets and Places

- a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
 - i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

Policy 14- Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

ADOPTED 2019 INVERCLYDE 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 22 - Network of Centres Strategy

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

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

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

Policy 28 - Conservation Areas

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

PROPOSED 2021 INVERCLYDE 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 23 - Network of Centres Strategy

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

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

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

Policy 28 - Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future of the building. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

CONSULTATIONS

None required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 28th July 2023 as a development affecting a conservation area.

SITE NOTICES

A site notice was posted on 28th July 2023 for development affecting a conservation area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Two representations were received from the Kilmacolm Civic Trust and the board of the Kilmacolm Community Centre objecting to the proposal. The concerns raised are summarised below:

- Not a suitable site. It is tantamount to vandalism.
- Vast sum of money spent by the Council laying new pavement which would require to be dug up to accommodate the proposal. This site is right at the bend of newly paved section which would need to be dug up to accommodate the proposal.
- No water source is close to the proposed site. It is believed that there is a water source directly across the access to the public car park. This would therefore be a better site as it wouldn't involve digging up of pavement.
- An alternative and preferred site would be on the curved piece of tarmac pavement that is backed with low hedging and two green BT cabinets, opposite 'Cairns', and projects outwards towards Lochwinnoch Road from Elphinstone Court, at the start of Station Road. Many pedestrians and cyclists stop here. Another alternative site would be on the edge of the Piazza a little further up the lane, but this would not be as visible. Or the historic freshwater drinking fountain at the junction of Lochwinnoch Road with Bridge of Weir Road could be brought back into use- although that may also require new paving to be dug up.

ASSESSMENT

The material considerations in determination of this application are: National Planning Framework 4 (NPF4); the 2019 adopted Inverclyde Local Development Plan; the 2021 proposed Inverclyde Local Development Plan; Historic Environment Scotland's (HES) Policy Statement and Managing Change in the Historic Environment Guidance Note Series, specifically the note on "Setting"; the objections; and the overall visual impact of the proposal on the special character, amenity and functionality of the area.

NPF4 Policies 7 and 14 are of most relevance in this instance. Policy 7 supports development in the conservation area where the character and appearance of the conservation area and its setting is preserved or enhanced and ensure that existing natural and built features which contribute to character are retained. Policy 14 of NPF4 refers to qualities relating to successful places.

Both the adopted and proposed Inverclyde LDP locate the site within the village centre of Kilmacolm under Policy 22 and Policy 23 and within the Kilmacolm Cross Conservation Area under Policy 28.

Policy 22 and 23 sets out a strategy for town and local centre uses across Inverclyde. As the proposal is for the installation of a water bottle refill station can be considered as street furniture and not a development which can be considered as having a use class. The proposal therefore does not conflict with Policy 22 or 23.

Policy 28 alongside HES policy and guidance requires the proposal to preserve or enhance the character and appearance of the area, along with the supplementary guidance given in the PAAN series. There are no specific PAAN guidance notes which offer advice on the installation of street furniture.

Policy 1, of both LDPs, as well as Policy 14 of NPF4, requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figure 3. In this proposal, the relevant qualities relate to being 'Distinctive' through reflecting local architecture and urban form and contributing positively to historic buildings and places; 'Resource Efficient' by building at higher density in town and local centres and around public transport nodes; 'Safe and Pleasant' by avoiding conflict with adjacent uses; and 'Welcoming' through integrating new development into existing communities and creating attractive and active streets.

Drinking water fountains are an occasional feature usually associated with public areas to be used for community benefit and enjoyment and have in recent years become a common feature within the streetscape. The proposal is located close to public service buildings, within the centre of the village, where there is high footfall. I acknowledge that the applicant, Scottish Water, have enlisted criteria (as set out in the supporting statement) alongside community request and site visit to inform the site selection. The criteria comprises of: proximity to water supply; does not pose a hazard either during installation or operation use; does not pose any Health and Safety risks to the public when in use; has a high footfall of potential customers; requires limited traffic management; should encourage the use of refillable bottles and reduce litter. As a utility provider, I am principally guided by Scottish Water on proximity to the water supply. I am therefore satisfied that this location is appropriate for the installation of a drinking water refill station. I do however acknowledge the concerns relating to siting of the refill station, as raised by representations. In this respect, it should be noted that in assessing the planning merits of this application, the option of alternative locations can have no bearing on how this application is determined. In relation to disruption of the new paving for installation, from my site visit, when the photograph below was taken, review of the plans/visualisations submitted, it is not considered that the installation will impact the new paving. Furthermore, following informal consultation with the Head of Service - Roads and Transportation it has also been clarified that this proposed site is not a publicly adopted footway and at this time there are no future plans to extend the new slabs to this proposed location. It was also advised that any installation works should seek to avoid disruption of the new slabs. In this regard I consider it prudent to gain further clarify on the construction works proposed to manage and avoid any significant disruption. Furthermore, the 'making good' and relaying any disrupted or removed slabs in a timely manner, immediately following any installation, can be secured as a condition of any grant of planning permission to avoid any adverse amenity implications.



View looking north-east at the site.

Considering the visual impact, the refill station is to be sited in a prominent position in the streetscape. It is also sited in close proximity to other street furniture including bollards, lampposts and planters. I also note its proximity to the external steps which could be utilised as seating and 'rest area' to

complement the use of the water station, ultimately encouraging people to spend more time in the conservation area and contributing positively to the vibrancy and vitality of the village centre and this historic place. Overall, I do not consider the position, scale, form, design, material or colour of the structure to cause any harm to the visual amenity of the Conservation Area, or to impact any natural or built features which contribute to character and amenity of the area. As such, I consider the proposal to preserve and enhance character and amenity of the area and to meet the terms of Policy 28 of both Plans and supported by HES' policy and guidance. Based on the above, I additionally consider the proposal meets the qualities of being 'Distinctive', 'Resource Efficient', 'Welcoming' and 'Safe and Pleasant' of Policy 1.

Conclusion

Overall, I consider that the proposal accords with Policies 7 and 14 of NPF4, Policy 1, 22 and 28 of the adopted LDP and Policies 1, 23 and 28 of the proposed LDP. I also consider the proposal to manage the historic environment with intelligence and understanding and accord with the requirements of the Historic Environment Policy Statement and guidance note series. There are no material considerations that outweigh these policies or guidance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development to which this permission relates must have commenced within 3 years from the date of this permission.
2. That prior to the commencement of works, full details of the construction work, including the area covered and the extent of removal of hard surfacing shall be submitted to and approved in writing by the Planning Authority. The works shall then proceed as approved.
3. On completion of the installation, any hard surfacing removed should be reinstated on a like-for-like basis and to an acceptable degree, to the satisfaction of the Planning Authority, and immediately following the completion of the installation.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. In the interests of preserving and enhancing the character and amenity of the Kilmacolm Cross Conservation Area.
3. In the interests of preserving and enhancing the character and amenity of the Kilmacolm Cross Conservation Area.

Mr Stuart W Jamieson
Director
Environment and Regeneration