

Ref: CM

Date: 29 October 2024

**A meeting of the Planning Board will be held on Wednesday 6 November 2024 at 3pm.**

**Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Tuesday 5 November 2024 how they intend to access the meeting.**

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

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

LYNSEY BROWN  
Head of Legal, Democratic, Digital & Customer Services

## **BUSINESS**

1.	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2.	<b>Planning Applications</b> Reports by Director Environment & Regeneration on applications for planning permission as follows:	
(a)	<b>Borland Property Limited</b> Change of use of offices on first floor and attic floor to 6 serviced accommodation units for short term lets; external alterations including alterations of windows and installation of slate vents within the roof: 20A Union Street, Greenock (24/0156/IC)	<b>p</b>
(b)	<b>Mr David Todd</b> Erection of detached house and detached garage (renewal of previous planning permission 21/0132/IC) Ardvaar, Wemyss Bay Road, Wemyss Bay (24/0193/IC)	<b>p</b>
(c)	<b>Mr Nasir Ali</b> Change of use from shop to hot food takeaway and installation of extract flue at side (extract flue in retrospect) 58 Maple Road, Greenock (24/0163/IC)	<b>p</b>
3.	<b>Notification of Application Made to the Scottish Ministers Under Section 36 of the Electricity Act 1989</b> Report by Director Environment & Regeneration intimated the outcome of an application made to the Scottish Ministers by Apatura (GPC 700 Ltd) for installation of battery energy storage system and associated infrastructure with a generating capacity of up to 700 MW at Land at Auchentiber Road, Port Glasgow (23/0001/EA)	<b>p</b>

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

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

Report To: The Planning Board

Date: 6 November 2024

Report By: Director, Environment and Regeneration

Report No: 24/0156/IC

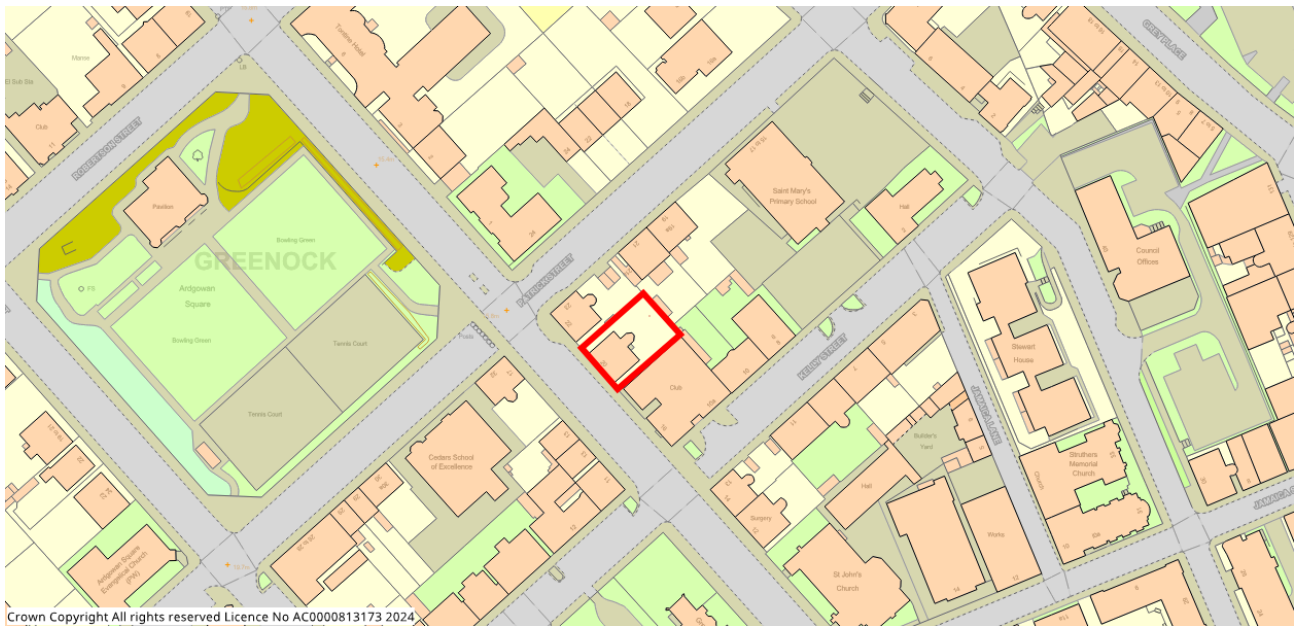
Local Application  
Development

Contact  
Officer: Carrie Main

Contact No: 01475 712413

Subject: Change of use of offices on first floor and attic floor to 6 serviced accommodation units for short term lets; external alterations including alterations of windows and installation of slate vents within the roof at

20A Union Street, Greenock



## SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal accords with the adopted and proposed Inverclyde Local Development Plans.
- There have been 6 representations objecting to the application.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

[24/0156/IC | Change of use of offices on first floor and attic floor to 6 serviced accommodation units for short term lets; external alterations including alterations of windows and installation of slate vents within the roof | 20A Union Street Greenock PA16 8JL \(inverclyde.gov.uk\)](#)

## **SITE DESCRIPTION**

The application site relates to the first floor and attic floor of a two and a half storey and basement sandstone building, which has a slatted roof, timber sash and case windows and pilaster doorpiece. The property is a Category 'C' listed building. It is located on the eastern side of Union Street, within the Greenock West End Conservation Area and also within the Greenock town centre. The premises was most recently occupied by offices but is currently vacant. There is no allocated parking for the building and parking is on-street. Garden ground and the access door is located at the rear. The surrounding area is mixed in use, with commercial and business premises typically on the ground floor and flatted residential properties on upper floor levels.

## **PROPOSAL**

Planning permission is sought for the change of use of the first and attic floor to 6 serviced accommodation units to be used as short term lets.

It has been indicated that the lets are to be available all year round with the average length of stay 2.7 nights approximately 137 times a year. Each of the proposed units has 1 bedroom and capacity for 2 people.

External alterations proposed include: the installation of conservation style vents on the front and rear roof slopes; the removal of the central window within the dormer window at the rear to accommodate a new internal wall partition; obscured glass fitted within a window on the rear elevation and a window on a side elevation; a new fixed frame fitted onto a window at the rear; removal of an existing ventilation grille on the rear elevation and infilling with matching stone; installation of new downpipes; installation of a new light at the side elevation; and the stairway balustrade painted black.

A separate application for listed building consent 24/0018/LB has been submitted for the external alterations referred to above as well as internal alterations associated with the change of use.

## **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 1 - Tackling the climate and nature crisis**

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

#### **Policy 2 - Climate mitigation and adaption**

- 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.

c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

### **Policy 7 - Historic assets and places**

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.

### **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.

### **Policy 27 - City, town, local and commercial centres**

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

- i. will be supported in existing city, town and local centres, and
- ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
  - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
  - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
  - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

## **Policy 30 - Tourism**

b) Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

## **ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

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

### **Policy 11 - Managing Impact of Development on the Transport Network**

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

### **Policy 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 27 - Tourism Development**

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use. Development of tourism related facilities will be supported in appropriate locations where:

- a) it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) major trip-generating proposals can be travelled to by sustainable modes of transport; and
- c) it is appropriately sited and designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

## **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.

**Planning Application Advice Note (PAAN) 7** "Windows and Rooflights in Conservation Areas and Listed Buildings" applies.

**Planning Policy Supplementary Guidance – 'Short Term Lets'**

## **PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

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

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

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 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 27 - Tourism Development**

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use. Development of tourism related facilities will be supported in appropriate locations where:

- a) it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) major trip-generating proposals can be travelled to by sustainable modes of transport; and
- c) it is appropriately sited and designed for its location and avoids significant adverse impact on the resources protected by the Plan's historic buildings and places, and natural and open spaces chapters.

### **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.

**Draft Planning Application Advice Note (PAAN) 7** "Windows and Rooflights in Conservation Areas and Listed Buildings" applies.

### **Planning Policy Supplementary Guidance – 'Short Term Lets'**

#### **CONSULTATIONS**

**Head of Service - Roads and Transportation** – advises as follows:

- Parking should be provided in accordance with the National Roads Development Guidelines.
- The existing use of the premises as Class 4 Office which requires 1 space per 30m<sup>2</sup>. The current GFA is 186m<sup>2</sup>. Therefore, the current parking requirement for the premise is 7 spaces.
- The application proposes a change of use of the premises to 6 serviced accommodation units for short term lets, each with 1 bedroom. This requires 6 parking spaces. Should there be more bedrooms than mentioned above the Planning Service should advise. As this parking requirement is less than the current use as an office there is no additional parking required.



- The cycle parking requirement for the overall development is 3 spaces. The applicant should demonstrate how this will be achieved.

## **PUBLICITY**

An advertisement was placed in the Greenock Telegraph on 16th August 2024 due to development affecting a conservation area.

## **SITE NOTICES**

A site notice was posted on 16th August 2024 due to the proposal affecting a conservation area.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. Six representations have been received objecting to the proposal. The grounds of objections are summarised as follows:

- Noise and general disruption from occupants/visitors.
- Parking problems and road issues. At present insufficient parking on street.
- Increased rubbish. Who takes responsibility for putting bins out? Short term let occupants don't often take ownership.
- Vermin problems may occur if hygiene is not maintained.
- People congestion.
- Anti-social behaviour.
- The property overlooks neighbouring properties and gardens.
- Concern of no on-site supervision.
- Short term occupants will have less respect for property in terms of amenity/maintenance.
- No benefits to the local community.
- Will change the character of the area.
- Devaluation of surrounding properties.
- Ground floor and basement will be next for short term let accommodation.
- Environmental concern. Bats roosting in the attic of the building.
- Photo survey indicates the property is in good order. This does not reflect the existing position. Pipes, gutters in need of repair, vegetation removal from building, overgrown vegetation into neighbouring properties, overgrown access path and gardens, rat infestation issue.
- No external maintenance works proposed. Concern for character of building and wider area.
- Works are ongoing internally, with disregard for the planning process.
- Contractor vans parked outside the property on the bus stop.
- No details of fire safety measures.
- How will arrival/departure times be monitored or enforced?

## **ASSESSMENT**

The material considerations in the assessment of this application are: National Planning Framework 4 (NPF4); the 2019 adopted Inverclyde Local Development Plan (LDP); the 2021 proposed Inverclyde Local Development Plan; Inverclyde Planning Policy Supplementary Guidance - 'Short Term Lets'; adopted and draft PAAN 7 on "Windows and Rooflights in Conservation Areas and Listed Buildings"; Historic Environment Scotland's Policy for Scotland (HEPS) and the Managing Change in the Historic Environment Guidance Notes; the consultation response; and the amenity impact.

Both the adopted and proposed Inverclyde Local Development Plans locate the site within Greenock Town Centre and within the Greenock West End Conservation Area where Policies 7, 14 and 27 of NPF4, Policies 1, 22 and 28 of the adopted LDP and Policies 1, 23 and 28 of the proposed LDP apply. As the application is for the change of use of a premises from offices to 6 serviced

accommodation units for short term let, which is a tourism related use, Policy 30 of NPF4, Policies 11 and 27 of the adopted and Policy 12 proposed LDP also apply. Both adopted and draft PAAN 7 and the HES Policy and Guidance apply in respect of the external alterations proposed to this listed building within the conservation area.

The qualities of being 'Connected', 'Sustainable' and 'Adaptable' in Policy 14 of NPF4 are relevant to this application. The relevant qualities in Policy 1 of the LDPs are being 'Resource Efficient', through making use of existing buildings and previously developed land; 'Easy to Move Around', by being well connected and recognising the needs of pedestrians and cyclists; and 'Safe and Pleasant' which can be achieved through avoiding conflict with adjacent uses and minimising the impact on traffic and parking on the street scene.



View of the front elevation of 20a Union Street, Greenock.

### Change of use

The proposed change of use from a currently vacant office to serviced accommodation conforms to the 'Sustainable', 'Adaptable' and 'Resource Efficient' qualities which contribute to a successful place, in accordance with Policy 14 of NPF4 and Policy 1 of both LDPs. The development supports the commitment to investing in the long-term value of buildings by enabling to be brought into active use, allowing flexibility to accommodate different uses and would improve upon the vitality and vibrancy of the town centre, as supported by Policy 27 of NPF4. Residential accommodation, particularly on upper levels of buildings is a common characteristic within the town centre and within this area.

The respective town centre policies, Policy 22 and 23, state that residential and hotel uses will also be supported in town and local centres. Short term lets are not specifically identified in Schedule 6 or Schedule 5 as being suitably located within the town centre. Notwithstanding, being in the town centre the site is accessible by a variety of transport modes and is a sustainable location. The town centre contains a variety of commercial uses which this proposal would not be out of this general character. The proposed use can therefore be considered to accord with the role and function of the

town centre. The proposed use in general terms accords with the terms of Policy 27 of NPF4, Policy 22 of the adopted LDP and Policy 23 of the proposed LDP. Furthermore, the development in this town centre location also complies with Inverclyde Planning Policy Supplementary Guidance on 'Short Term Lets'.

It is important to fully consider how this use will impact the amenity of the surrounding area, considering immediate residential neighbours and the impact of transient visitors and the associated servicing/maintenance/cleaning of the service accommodation between stays as a potential to cause disturbance. The short-term let use whilst an alternative form of residential accommodation is not considered to be out of character with the wider area. This is a town centre location where a degree of noise associated with other and a mix of uses within the area is to be expected. This proposed use will be similar to the residential activity and noise typically associated with a residential property. The same applies for rubbish generated from the use of the properties. It is not considered to exceed that experienced by long-term residents.

It should be noted that subsequent consents of a similar nature within the same building or neighbouring buildings and properties could result in an emerging cumulative residential amenity impact, changing the nature of the locality from one of conventional owner occupation and long-term tenancy arrangements to one associated with a short-term transient use. This area is not currently experiencing a cumulative impact from short term lets. Overall, the area will broadly remain characterised by long term tenancy or owner occupation of property, and this proposed change of use to short-term letting is not considered a significant alteration to the profile of the local area.

Should any excessive noise result from the use of the serviced accommodation units this should be reported to the Council's Public Protection Service to investigate under their remit and any anti-social behaviour reported to Police Scotland.

There is potential for direct economic benefits from the proposal. Use of the properties for lets opens the possibility of further spending on goods and services. However, this is difficult to quantify, and it is not possible to state unequivocally what proportion of a tourist's net spend would be local in nature. It is likely, however, that the economic impact would be positive. The proposal creates 6 units for the purpose of short-term lets following conversion from offices and therefore any loss of long-term residential accommodation is not relevant in this instance. The proposal is therefore considered to be acceptable under Policy 30 of NPF4.

In considering the impacts of the development on traffic and parking on the street scene, the Head of Service - Roads and Transportation advises that 6 parking spaces are required and 3 cycle parking spaces. The proposed use requires less parking than the office use and no additional parking is required. The site is in a town centre location and in proximity to public transport connections, notably a bus stop located immediately adjacent to the property on Union Street. In respect of cycle parking, it is considered that this requirement can be fulfilled within the curtilage of the property. Taking this all into consideration, it is not considered that the development would have an adverse impact on the operation of the transport and active travel networks. The development therefore accords with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. The development also meets the quality of being 'Safe and Pleasant' through minimising the impact of traffic and parking on the street scene. As the development meets all relevant qualities of successful places, it accords with the 'Connected' quality of Policy 14 of NPF4 and quality of 'Easy to Move Around' within Policy 1 of both LDPs.

#### External alterations

The Greenock West End Conservation Area Appraisal identifies the site as being within the South-East Character Area which was first developed in the late Georgian-early Victorian era. It features a regular grid pattern with relatively higher density/smaller plot size with buildings close to the street line and building types: 2 storey and basement town houses; 3 storey tenements. The Appraisal advises that in assessment of this planning application, the Council shall consider it in relation to the relevant LDP Policies and Supplementary Guidance (PAANs) and recommends that development proposals should be in accordance with the prevailing form of historic development, including the

scale, massing and historic layout of buildings, should respect the setting of existing buildings, should protect significant views within the public realm, and should use high quality, durable, complementary materials.

In assessing how the proposal will impact on the existing building's special architectural and historical interests, it shall be assessed against the "Managing Change in the Historic Environment" guidance notes. The notes of most relevance to the proposal are on 'Windows', 'Roofs' and 'External Fixtures'. Additionally relevant is the Inverclyde adopted and draft guidance within PAAN 7 on "Windows and Rooflights in Conservation Areas and Listed Buildings".

The guidance on 'Windows' advises that location and design are key considerations. Altered window openings must carefully avoid disruption to the characteristics of the surrounding external and internal context. Permanent blocking up of windows should only occur where the window makes very little contribution to the character of the building. If the window is of any interest, evidence of the opening, such as the window surrounds, cill, lintel or relieving arch should be retained, preferably with the window kept in-situ with blocking materials set behind.

Both PAAN 7 advises that for Category C listed buildings, replacement windows should match the design of the original windows, although variations to the method of opening will be considered. For example, if the building was originally fitted with sash and case windows, traditional timber sash and case windows or tilting sash windows manufactured in either timber, uPVC or aluminium with a plasticated wood grain finish are acceptable options. The window frame colour should match the original and where appropriate, glazing bars should match the original in position and size. Glazing bars should match the original in terms of position and size.

The guidance on 'Roofs' states that ventilation of roof spaces is essential to avoid a build-up of damp. Where ventilation is required directly through the roof covering, the ventilators should be minimal in number, carefully selected to fit flush with the surrounding roof covering and located to minimise their impact.

The guidance on 'External Fixtures' advises that new fixtures should be sited to maintain the special architectural or historic interest, integrity and fabric of the building. Secondary elevations, outbuildings and roof valleys or flats that are out of sight of principal views can often accommodate new fixtures without significant impact. Close attention to routing any pipework away from principal elevations will help minimise the visual effect of new equipment. The means of fixing should be non-ferrous to prevent structural damage or staining.

The alteration and removal of the rear central dormer window to enable an internal wall partition is proposed to be undertaken in a sensitive manner to ensure that the dormer window in its entirety remains largely unaltered externally in terms of position, design and form. Furthermore, it is located at rear subsidiary elevation at roof level and therefore not significantly visible from the street/wider conservation area.

The proposed replacement window at the rear elevation respects the form and design of the existing window, including the position of the glazing bar. It is considered necessary that detailed specifications of the replacement window be submitted and approved. This can be addressed by a planning condition.

The fitting of obscured glazing within two windows (at the rear and side elevation windows) follows the existing design and form of the window by retaining the glazing bar/transom position and is therefore a sensitive and acceptable alteration.

The use of 'conservation style' roof vents is acceptable. They are sited appropriately with an acceptable overall visual impact. Detailed specification of the vents will be addressed by a condition. The same applies to the siting of new pipework, which is to be located on subsidiary elevations. All fixings to be non-ferrous can be secured by condition of any grant consent, to comply with the HES guidance on 'External Fixtures'.

Overall, the external alterations are to be undertaken sensitively to enable the adaptability of the building whilst preserving the historic integrity, character and amenity of the building, streetscape and wider Greenock West End Conservation Area.

### Representations

With regards to the objections received that have not already been addressed above the following comments are made. The properties would not cause any adverse overlooking/loss of privacy implications to neighbouring properties. There is no significant structural works to the roof which would cause any adverse disruption to biodiversity. The property maintenance is the responsibility of the owner. Repair and maintenance work to be undertaken, impact on property values, fire safety measures, arrival/departure times are not material considerations in the determination of this planning application. The agent has confirmed that no works which require consent have been undertaken.

### Overall conclusion

The development accords with Policies 7, 14, 27 and 30 of NPF4; Policies 1, 11, 22, 27 and 28 of the adopted LDP, Policies 1, 12, 23, 27 and 28 of the proposed LDP and Inverclyde Planning Policy Supplementary Guidance on 'Short Term Lets', adopted and draft PAAN 7 on "Windows and Rooflights in Conservation Areas and Listed Buildings", HES' policy and guidance, and the guidance within the Greenock West End Conservation Area Appraisal. The development is in accordance with the relevant policies and there are no material considerations which outweigh these.

## **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.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. No development or work shall commence until detailed specification of the replacement window, slate vents (which shall be conservation style) and pipes (including material, form, design, colour, composition, thickness) has been submitted to and approved in writing by the Planning Authority. Development thereafter shall proceed utilising the approved materials.

Reason: In the interests of ensuring the replacement/new materials are an appropriate match to the existing to protect the architectural integrity, character and appearance of this Category C Listed Building with the Greenock West End Conservation Area.

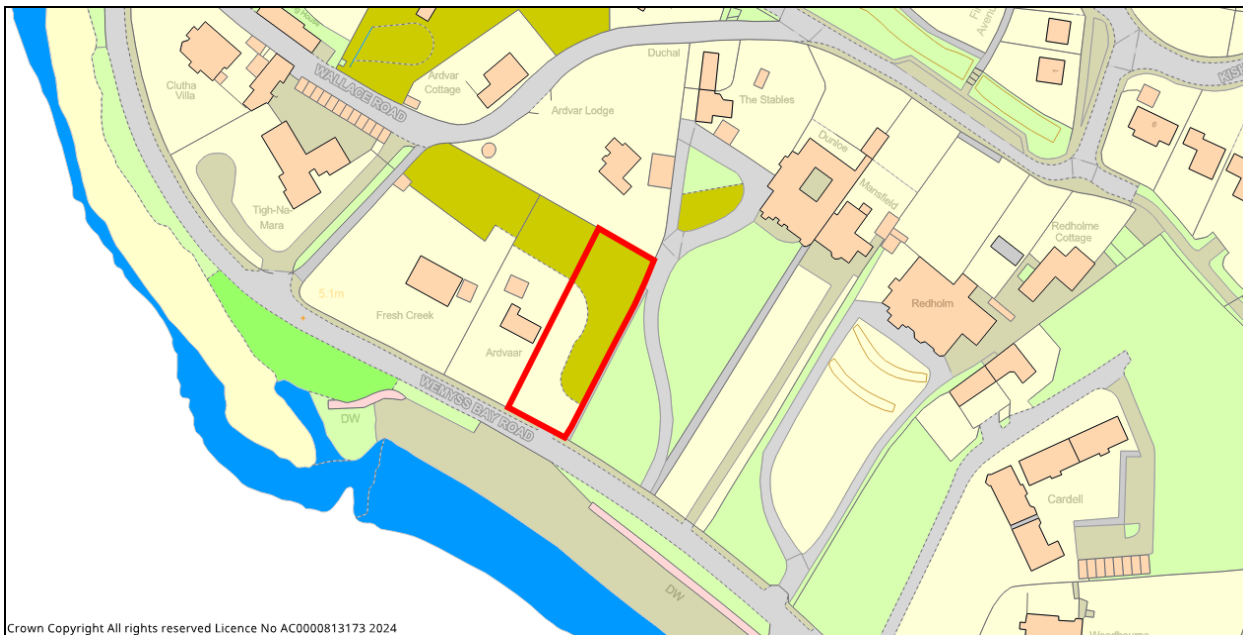
3. For the avoidance of doubt the means of fixings of all new external components shall be non-ferrous unless any alternative is agreed with the Planning Authority.

Reason: To prevent damage or staining of the external walls of the building and to accord with Historic Environment Scotland guidance on 'External Fixtures'.

Stuart Jamieson  
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Carrie Main on 01475 712413.

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>6 November 2024</b>
<b>Report By:</b>	<b>Director Environment and Regeneration</b>	<b>Report No:</b>	<b>24/0193/IC  Local Application Development</b>
<b>Contact Officer:</b>	<b>David Sinclair</b>	<b>Contact No:</b>	<b>01475 712436</b>
<b>Subject:</b>	<b>Erection of detached house and detached garage (renewal of previous planning permission 21/0132/IC) at Ardvaar, Wemyss Bay Road, Wemyss Bay.</b>		



**SUMMARY**

- The proposal is acceptable when assessed against the Development Plan, which comprises: National Planning Framework 4; the adopted 2019 Inverclyde Local Development Plan; and the proposed 2021 Inverclyde Local Development Plan.
- THIRTEEN objections have been received raising concerns over: impacts on streetscape, impacts on nearby listed buildings, noise, privacy, reduced light, impacts on views and conflicts with title deeds
- The consultation responses raise no impediments to development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:  
<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=SJCEX8IMFJX00>

## **SITE DESCRIPTION**

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

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

The application site is located on a south facing slope, which increases in gradient towards the rear of the site. The site adjoins the front gardens of the neighbouring Category 'B' listed building known as 'Dunloe' house to the east, the Firth of Clyde Estuary to the south, and detached dwellinghouses to the north and west.

## **PLANNING APPLICATION HISTORY**

Before describing the current proposal and by way of background there has been a previous planning permission which is relevant to the current application.

Planning permission 21/0132/IC was granted by the Planning Board on 3rd November 2021 for the proposed erection of a detached house on the east side of the existing house. The house was located in the same position as the current application and has matching designs, materials and finishes.

Planning permission 21/0132/IC was granted subject to the standard condition that development had to be started within a 3-year period. At the time the current application was submitted no development has taken place and the applicant seeks to renew the planning permission.

## **PROPOSAL**

Planning permission is sought to sub-divide the site and erect a single storey detached dwellinghouse with single storey detached garage. The proposed dwellinghouse is to be located on the south-east side of the existing two storey dwellinghouse at Ardvaar and will be set within a plot covering approximately 1500sqm. The proposed dwellinghouse is to be set back from the front boundary by approximately 22.5m. The proposed dwellinghouse is to cover a footprint of approximately 150sqm with the floor level matching the ground floor level of the existing two storey dwellinghouse. An offset 'T' shaped pitched roof with 30° roof angles is proposed, resulting in a building height of approximately 5.9m. The dwellinghouse is proposed to be finished using: dark grey coloured concrete tiles; white coloured render on the walls with a dark grey coloured base course and some feature cladding panels at roof level on the sides and between two rear windows; and grey coloured uPVC doors and windows.

The dwellinghouse is to be set back from the south-eastern side boundary by approximately 4m. A detached garage is proposed along the south-eastern boundary, set approximately 5.8m behind the rear building line of the proposed house and between 0.6m and 0.8m from the boundary. The garage is to be approximately 6m long by 6m wide and has a pitched roof with a ridge height of approximately 3.9m. The garage is also to be finished with: dark grey coloured concrete tiles; white coloured render on the walls; and a grey coloured garage door.



Access is to be taken from the existing access point on Wemyss Bay Road, with parking for 3 cars to be provided within the curtilage between the rear of the proposed dwellinghouse and the front of the proposed garage. A new access is proposed to be formed for the existing dwellinghouse to the west of the site boundary.

#### **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 7**

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

#### **Policy 9**

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalized should be taken into account.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

#### **Policy 10**

a) Development proposals in developed coastal areas will only be supported where the proposal:

- i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- ii. is anticipated to be supportable in the long-term, taking into account projected climate change.

### Policy 13

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. will be accessible by public transport, ideally supporting the use of existing services;
- iii. integrate transport modes;
- iv. provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii. have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. adequately mitigate any impact on local public access routes.

### Policy 14

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.

### Policy 15

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;

- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

### **Policy 16**

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

g) Householder development proposals will be supported where they:

- do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

### **Policy 22**

c) Development proposals will:

- not increase the risk of surface water flooding to others, or itself be at risk.
- manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

## **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:

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

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

### **Policy 8 – Managing Flood Risk**

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

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

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

### **Policy 9 – Surface and Waste Water Drainage**

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

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

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

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

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

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

### **Policy 10 – Promoting Sustainable and Active Travel**

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

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

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

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

## **Policy 11 – Managing Impact of Development on the Transport Network**

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

## **Policy 29 – Listed Buildings**

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

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

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

## **PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 – Creating Successful Places**

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

### **Policy 6 – Low and Zero Carbon Generating Technology**

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

Other solutions will be considered where:

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

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

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

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

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

by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Policy 18 – Land for Housing**

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

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

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

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

## **Policy 20 – Residential Areas**

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

## **Policy 29 – Listed Buildings**

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

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

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

## **CONSULTATIONS**

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

- Parking should be provided in accordance with the National Guidelines. The proposed development consists of a 2-bedroom dwelling that requires 2 parking spaces.
- Each space on the driveway shall be a minimum of 3.0m x 5.5m. The driveway is suitable to meet 2 spaces.
- For the garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m. The applicant should demonstrate that this is achievable.

- The driveway and garage access should be paved for a minimum distance of 10m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%.
- The applicant has demonstrated that they can achieve a visibility splay of 2.4m x 20m x 1.05m. This is acceptable.
- All surface water should be managed within the site to prevent flooding to surrounding properties and the public road network.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.

**Public Protection Manager** – Advises as follows:

- Online UKHSA/BGS maps indicate radon hazard. Detailed radon maps supplied by BGS to Inverclyde Council indicates the property within an area of less than 1% maximum radon potential. Recommends a Radon Risk Report be obtained from Radon UK.
- Property is not identified as potentially contaminated, but soil quality can be affected by historical domestic garden activities, demolition of outbuildings, improper disposal/incineration of wastes, ash and clinker from fires used as soil improver, lead paint, materials containing asbestos etc. In the event significant made ground or contamination is suspected it is recommended the developer contact the Contaminated Land Officer for guidance, in most scenarios a material management plan can be agreed with contingency for disposal of wastes.
- Conditions recommended in respect of the discovery of contamination and waste and recyclable storage for the development.
- Advisory notes are recommended in respect of: PAN33 Advisory; site drainage; Construction (Design & Management) Regulations 2015 (CDM 2015); surface water; the design and construction of Buildings in relation to gulls; external lighting; and sound insulation.

**Scottish Water** – Advise of no objection, however the applicant should be aware this does not confirm the proposed development can currently be serviced. Advises there is currently sufficient capacity in the Greenock Water Treatment Works to service the development as well as there being currently sufficient capacity for a foul only connection in the Inverclyde Waste Water Treatment works to service the development. Also advises that Scottish Water will not accept any surface water connections into the combined sewer system.

**PUBLICITY**

An advertisement was placed in the Greenock Telegraph on 13th September 2024 due to there being neighbouring land with no premises situated on it.

**SITE NOTICES**

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

**PUBLIC PARTICIPATION**

The application was the subject of neighbour notification and thirteen objections were received. The grounds of objection can be summarised as follows:

Amenity Impacts

- Impacts on neighbouring privacy, future noise, reduced light, particularly in winter and infringement on the right to quiet enjoyment.

Design & Visual Impacts

- The building is out of character with the listed buildings that are in close proximity to its proposed site, including the B listed Dunloe House and the street frontage.



- Impacts on classic view of Wemyss Bay from the water – the Grade A listed Wemyss Bay station and Victorian mansions. Where there has been development it has respected the footprint of the previous houses.
- Visual impacts on the existing crescent formed by the existing houses.
- Visual impacts on the Wemyss Bay coastline.
- Council are considering this road as a Conservation area. This development is not in keeping with a prospective conservation area.

### Roads Impacts

- The road surface is failing and is unsuitable for the heavy plant that such construction would entail.
- The road is open to flooding and this construction would add to the water management needs of an already overflowing system.
- Vehicle access to Wemyss Bay Road is already very busy. Additional dwelling will add to this load.

### Other objections

- Neighbouring property title deeds prevent the building of any new structures in an arc across the front of Wemyss Bay Road.
- Provokes a legal dispute between neighbours as the development clearly breaks title deeds showing a development line for the area to preserve the waterfront.
- The proposed planning application is in breach of title deeds, prohibiting building in front of the building line.
- Wemyss Bay is a holiday destination for many, and by entertaining this planning proposal it will pave the way for others to attempt to do similar.
- The beachfront of Wemyss Bay has remained the same, necessarily so, since the deeds were written.
- The proposal is only of benefit to the current owners and has no regard to neighbours who will have to deal with repercussions and damages to the value and quiet enjoyment of their properties.
- The proposal is located within a “no build” area.

## **ASSESSMENT**

The material considerations in determination of the 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 adopted and draft Planning Application Advice Notes (PAAN) 2 on “Single Plot Residential Development” and (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development”; Historic Environment Scotland’s “Managing Change in the Historic Environment” guidance note on ‘Setting’; the previous planning permission 21/0132/IC; and the consultation responses.

Planning permission 21/0132/IC expires on 3rd November 2024 and there are no changes proposed from the previously approved development. The proposal was previously assessed against both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan and accorded with the relevant Policies in both LDPs, namely Policies 1, 6, 8, 9, 10, 11 and 29 of the adopted LDP and Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29 of the proposed LDP. The proposal was also accorded with the Planning Application Advice Notes (PAAN) 2 on “Single Plot Residential Development” and (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development”. As there are no changes to the proposal it stands that the proposal is in accordance with the aforementioned policies and guidance notes.

NPF4 was adopted after planning permission 21/01032/IC was granted and therefore further assessment is required in respect of the relevant Policies in NPF4, along with any other material considerations.

NPF4 supports sustainable, liveable and productive places. Sustainable development on brownfield land, where compact urban growth and the sensitive growth and diversification of sustainable areas is encouraged. Development should be aligned with the principles of local living to make productive use of existing buildings, places, infrastructure and services. Development in sustainable and accessible locations should be well-designed, energy efficient and good quality to contribute to the overall creation of successful and sustainable places.

#### Location of Development and Policy Context

The site is located in an established residential area where Policies 1, 2, 14 and 22 of NPF4 apply. The site is within a developed coastal area and requires assessment against Policy 10 of NPF4. As the proposal is for a new dwellinghouse on land which has been previously developed, Policies 9, 13, 15 and 16 of NPF4 are relevant. The site is located adjacent to a Category 'B' listed building and as the proposal will be visible in context with the listed building Policy 7 of NPF4 also requires consideration in terms of impacts on the setting of the listed building.

In terms of the relevant policies in NPF4, Policy 1 requires consideration of the global climate and nature crises to be given to all development. Policy 2 requires proposals to be designed to minimise lifecycle greenhouse gas emissions and to be able to adapt to current and future risks from climate change. Policy 9 encourages the reuse of brownfield land to help reduce the need for greenfield development, taking into consideration the biodiversity value of any naturalisation which has occurred on site.

Policy 10 supports development in coastal areas which do not result in the need for further coastal protection measures or increase coastal flooding risk to people and can be supported long-term, taking into account projected climate change. Policy 13 encourages development in locations which support sustainable travel. Policy 15 supports local living, considering the existing settlement pattern and the level and quality of interconnectivity of the development with the surrounding area and local facilities. Policy 16 supports proposals for new homes on land allocated for housing in LDPs.



View of site looking north from Wemyss Bay Road. Ardvaar is the house on the left and the Category 'B' listed Dunloe is on the right.

Policy 14 of NPF4 refers to qualities of successful places, of which the qualities of being Pleasant, Connected, Distinctive and Sustainable are relevant to this proposal. The quality of being Pleasant requires development to support attractive built and natural spaces. The quality

of being Connected supports development which makes moving around easy and reduces car dependency. The quality of being Distinctive supports local architectural styles and natural landscapes to be interpreted, literally or creatively into designs which reinforce identity. The quality of being Sustainable supports development which makes efficient use of resources, allows people to live in the area, ensures climate resilience, and integrates nature positive, biodiversity solutions.

### Design and Layout

The proposed dwellinghouse is to be located on an area of hardstanding and makes use of brownfield land which has not undergone any naturalisation or natural regeneration. The site therefore does not contain any biodiversity value and can be supported under criterion (a) of Policy 9 of NPF4.

The proposed dwellinghouse aligns with the existing house at Ardvaar and neighbouring houses to the west and the scale and height of the proposed dwelling is similar to nearby dwellinghouses, in particular Brightside which is to the west of Ardvaar. The design, size and position of the dwellinghouse can be considered to reflect the urban form of the area. In terms of loss of neighbouring privacy, the design of the dwellinghouse does not contain any windows on the west side elevation and contains a single en-suite bathroom window on the east side elevation at ground floor level. This window is to face towards the front garden area of the neighbouring property and will not be afforded an overlooked view of any private/rear gardens. The proposal can be considered to be designed in a manner which does not raise any overlooking concerns, as required under Policy 16 of NPF4.

In considering the impacts on the listed building the objections received raise concerns over visual impacts on the listed building and on the character of the surrounding area. Policy 7(c) of NPF4 requires proposals affecting the setting of a listed building to preserve its character, and special architectural or historic interest. In considering the impact on the setting of the listed building, guidance in this regard is given in Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note on 'Setting'. The guidance note identifies a number of factors to be considered in assessing the impact of a change on the setting of a historic asset or place. Those relevant to this application are: whether key views to or from the listed building are interrupted; whether the proposal would dominate or detract in a way that affects our ability to understand and appreciate the historic asset; and the visual impact of the proposal relative to the listed building.

The proposal is not sited within the grounds of the listed building and is clearly contained within a separate curtilage. The proposal will be visible in context with the listed building from Wemyss Bay Road in front of the application site to the south-east, however the scale and position of the building ensures that it will not create a direct visual obstruction of the listed building from the front of the listed building's own curtilage. The two curtilages are currently divided by an established hedgerow which runs the full length of the boundary and is between 3 and 5 metres in height, which provides a degree of screening between the development and the listed building. The boundary treatments frame the grounds of the listed building and focus views from the listed building down the length of the garden towards the Firth of Clyde and not towards the application site. As a result, the proposal is not considered to interrupt key views to or from the listed building.

The listed building contains a front garden which is around 100 metres in length and as a result it is substantially recessed from Wemyss Bay Road relative to the existing dwellinghouse at Ardvaar and other properties to the west. The proposed dwellinghouse is to be around 73 metres from the listed building at its closest point, with the rear garage being closer at around 59 metres. To the rear of the application site lies a bank of mature trees, which sit forward of the front building line of the listed building and provide a backdrop for the proposed dwellinghouse. The visual impact of the proposal on the listed building is considered to be limited due to the surrounding context of established planting and the single storey design and position of the proposed house ensures that it will not dominate the street frontage or detract from the listed building in a way that would affect the ability to understand and appreciate the historic asset. Overall, the proposal can be considered to preserve the setting of the listed building and raises

no conflict with the guidance note on 'Setting'. It stands that the proposal can be supported under Policy 7 of NPF4.

Turning to the objections raised over impacts on light, the impact of the building has been assessed against the BRE publication "Site layout planning for daylight and sunlight: a guide to good practice". The guidance advises that loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases, any loss of light will be small. The proposed dwellinghouse is to be located just over 35m from the rear boundary, will be positioned on lower ground than neighbouring dwellings and will not be more than 6m in height. It stands that the proposed buildings are not of a height or proximity which would result in any detrimental impact on neighbouring dwellings in terms of daylight or overshadowing. The size and physical impact of the proposal can be considered acceptable, in accordance with Policy 16 of NPF4. In terms of materials, these will not result in an unexpected or uncharacteristic feature on the street frontage and are considered acceptable.



View across site looking north, with Ardvaar on left and Dunloe visible in the background.

The proposal is for a single dwellinghouse within a residential area and will likely result in similar levels of noise and activity as neighbouring properties, therefore it is not considered to raise concerns in terms of noise and disturbance. Issues relating to construction noise are more appropriately addressed under legislation controlled by the Public Protection Manager and are not a material planning consideration. The impacts of the proposal on neighbouring views are not a material planning consideration.

Based on the above assessment, the proposal can be considered to meet the qualities of being Pleasant and Distinctive in Policy 14 of NPF4.

#### Flooding, Drainage and Contamination

In considering potential flooding part of the site is shown on SEPA's indicative flood maps as at risk of surface water flooding. The flood maps indicate that no part of the site is at risk from coastal flooding. In assessing concerns over surface water issues, the Head of Service – Roads and Transportation raises no objections in respect of the proposal. Matters raised in the consultation response relating to surface water drainage and ensuring the development does not increase the risk of surface water flooding to neighbouring sites can be addressed by a condition should planning permission be granted as required under Policy 22 of NPF4. In

relation to this Policy, the proposal is to be sited on an existing area of hardstanding, minimising any increase in the area of impermeable surfacing required.

The site does not result in the need for further coastal protection measures, does not increase risk to persons from coastal flooding and when taking into consideration projected climate change, raises no long-term concerns. It stands that the proposal can be supported under Policy 10 of NPF4. The proposal can also be considered to be sited and designed in a manner which will allow it to adapt to current and future risks from climate change, meeting Policy 22(b) of NPF4.

Regarding water connections Scottish Water has no objection to the proposal and advises that there is currently capacity to service the development. Regarding the points raised in the consultation response from Scottish Water, these matters are to be addressed between the applicant and Scottish Water. Advisory notes on these matters can be added should planning permission be granted. Taking into consideration the above assessment the proposal can be supported under Policy 22 of NPF4.

Regarding the potential for contamination the Public Protection Manager has been consulted and raises no concerns in terms of contamination however advises a condition to be added to any planning permission to deal with any contamination found on site during development. This matter can be addressed by a condition and will allow to proposal to meet the requirements in Policy 9 of NPF4.

#### Sustainability and Accessibility

In considering the requirements under the quality of being Sustainable in Policy 14 of NPF4 in terms of ensuring climate resilience and to ensure the requirements in Policy 6 of both LDPs are met, the new dwellinghouse is required to be designed to ensure the carbon dioxide emissions reduction standard set by the Scottish Government is met through the installation and operation of low and zero carbon energy generating technologies. It is noted that this matter was addressed by a condition on the previous planning permission, and it is considered appropriate to address this matter through an updated condition, to reflect the changes in standards required under Policy 6 of both LDPs. In doing so, the proposal can be considered to meet the quality of being Sustainable in Policy 14 of NPF4.

Policy 13 of NPF4 requires development proposals to provide low or zero-emission vehicle and cycle charging points in safe and convenient locations. The Council's Supplementary Guidance on 'Energy' indicates that for new residential development consisting of single or multiple dwellings, one trickle charging point should be provided per dwelling. This matter was addressed by a condition on the previous grant of planning permission, and as no detail has been submitted in this regard, it is again considered appropriate to address this matter by a condition should planning permission be granted.

In considering the connectivity of the site, Policy 13 of NPF4 supports development proposals which have been considered in line with sustainable travel hierarchies and provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and will be accessible by public transport. Wemyss Bay Road offers direct, easy and safe links for pedestrians and cyclists to the core path network on Wallace Road which is around 250m from the site. In terms of accessing local facilities and public transport, it is noted there are local facilities provided along Shore Road, from around 300m with the site. The nearest bus stops on Shore Road are between 500m and 550m from the site, and approximately 1km from Wemyss Bay railway station, all of which can be considered within a 20-minute walking distance from the site. The development will have similar levels of connectivity to local amenities as the existing dwellings in the area and therefore can be considered to meet the quality of being Connected in Policy 14 of NPF4, as well as meeting the requirements in Policy 13 of NPF4 in terms of being accessible to public transport and providing charging points for low and zero emission vehicles within the site. Development at this location is therefore considered to contribute to local living and a '20-minute neighbourhood' under Policy 15 of NPF4.

The proposal is for the construction of a single dwellinghouse within the curtilage of an existing dwelling on land which has already been developed and will not have any negative impacts on the global climate and nature crises, therefore it can be supported under Policy 1 of NPF4. 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.

#### Traffic, Parking and Road Safety

In assessing impacts on traffic and parking the Head of Service – Roads and Transportation has been consulted and has no objections to the proposed development, noting that the off-street parking requirements for the proposed development can be met on site. It is noted that the proposed garage does not meet the required sizes to be considered as an off-street parking space and that the required spaces will need to be formed on the proposed driveway. The provision of required parking spaces at the sizes specified can be addressed by a condition, along with requirements for driveway gradients and materials. It is noted that the required visibility splays are fully contained within the adjoining footway in front of the existing wall and can be met. Taking this into consideration the proposal can be implemented without any detrimental impact on the surrounding road network and raises no concerns over road safety, meeting all requirements in Policy 13 of NPF4.

#### Other matters raised in consultation responses

Turning to matters in the consultations not yet addressed, regarding waste and recyclable containers, the proposal would be expected to utilise domestic waste and recyclable containers. The site allows for these to be stored discreetly without resulting in any visual or amenity impacts. As such, this matter is more appropriately addressed by an advisory note should planning permission be granted. The recommendation to obtain a radon risk report prior to the commencement of works is the responsibility of the developer and can be addressed by advisory note. Any contamination discovered on site can be addressed by a condition should planning permission be granted.

#### Representations

With regard to the other grounds of objection which have not been considered above the following comments are made. Regarding the concerns raised over the proposal setting a precedent that will destroy the historic frontage by enabling further development, any future development proposals will be assessed against the relevant policies of the Development Plan and any material planning considerations at that time.

Any conflicts with title deeds are civil matters which are to be addressed and resolved between the parties involved and are not material planning considerations. The road adjoining the site is not adopted and any damage caused to Wemyss Bay Road from construction traffic would be a civil matter to be addressed and resolved between the relevant parties and is not a material planning consideration. Regarding the comments suggesting the area is to be designated as a conservation area, the site currently has no such designation, and it is not in the process of being designated as a conservation area.

#### Conclusion

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. A new dwellinghouse on this site would contribute to the housing land supply and would accord with national policies for delivering housing. The proposal makes use of previously development land within proximity to the local facilities and public transport which would contribute to the sustainability of the development and would be appropriate for adhering to the 20-minute neighbourhood principle. The proposal offers the opportunity to provide a quality home within a residential area without the loss of any amenity space or have any detrimental impact on biodiversity or local nature.



In conclusion, the proposal can be considered to constitute as sustainable development and can be supported under Policies 1, 2, 7, 9, 10, 13, 14, 15, 16 and 22 of NPF4, Policies 1, 6, 8, 9, 10, 11 and 29 of the adopted LDP and Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29 of the proposed LDP. The proposal has acceptable regard to all relevant Development Plan Policies and there are no material considerations which would warrant the refusal of planning permission. Approval should therefore be given to this application.

## **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.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Development shall not commence until full details of boundary treatments between the site of the existing dwellinghouse at Ardvaar and the dwellinghouse hereby approved have been submitted to and approved in writing by the Planning Authority. The approved boundary treatments shall be fully implemented prior to the dwellinghouse being first occupied unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To ensure that an appropriate boundary treatment is provided in the interests of visual amenity.

3. Development shall not commence until full details of all external facing materials to be used on the development shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.

Reason: To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.

4. For the avoidance of doubt, all surface water flows are to be contained and managed within the site and any run-off from the site shall be limited to not exceed greenfield run-off rates.

Reason: To ensure the development does not increase the risk of flooding to neighbouring properties or to Wemyss Bay Road.

5. The dwellinghouse hereby approved shall be designed to ensure that at least 25% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon energy generating technologies. Details showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the construction of the dwellinghouse.

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

6. The dwellinghouse hereby approved shall include at least one trickle charging point made accessible for the charging of electric vehicles. Details of the charging point shall be submitted to and approved in writing by the Planning Authority. The approved details shall be implemented prior to the first occupation of the house.

Reason: To ensure adequate provision is made to encourage the use of electric vehicles.

7. The dwellinghouse hereby permitted shall not be occupied until two off-street parking spaces, each measuring a minimum of 3.0m x 5.5m have been provided within the site.

Reason: To ensure suitable parking provision is provided for the new development in the interests of road safety.

8. For the avoidance of doubt, the driveway and garage access hereby permitted shall be paved for a minimum distance of 10m adjacent to Wemyss Bay Road and the driveway gradient shall not exceed 10%.

Reason: To ensure the provision of adequate driveways and to prevent loose material being carried onto the road.

9. The discovery of any contamination or made ground (>1m<sup>3</sup>) that becomes evident during site works shall be brought to the attention of the Planning Authority, works shall cease immediately, and the site made safe. Works shall not continue until a Remediation Scheme has been submitted to and approved, in writing by the Planning Authority.

Reason: To ensure that all contamination issues are recorded and dealt with appropriately.

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.



Report To: The Planning Board

Date: 6 November 2024

Report By: Director, Environment and Regeneration

Report No: 24/0163/IC

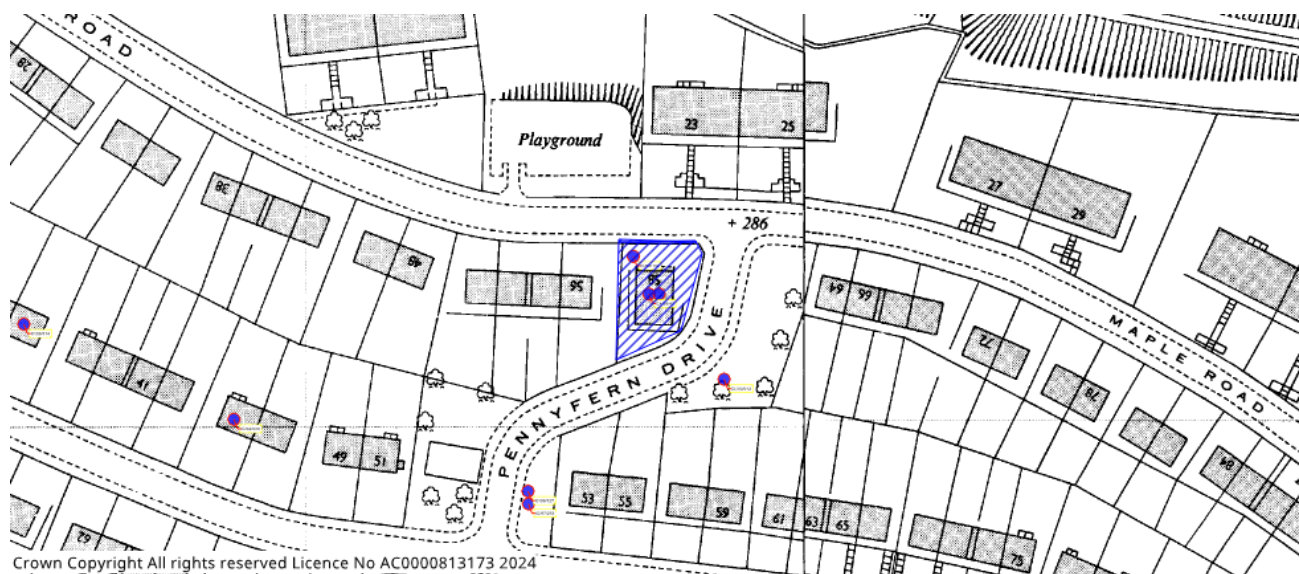
Local Application  
Development

Contact Officer: Maria Porch

Contact No: 01475 712416

Subject: Change of use from shop to hot food takeaway and installation of extract flue at side (extract flue in retrospect) at

58 Maple Road, Greenock



## SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal accords with the adopted and proposed Inverclyde Local Development Plans.
- There have been 6 representations objecting to the application.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

[24/0163/IC | Change of use from shop to hot food takeaway and installation of extract flue at side \(extract flue in retrospect\) | 58 Maple Road Greenock PA16 9HT \(inverclyde.gov.uk\)](https://www.inverclyde.gov.uk/24/0163/IC)

## SITE DESCRIPTION

The application site relates to a single storey standalone building located at the junction of Pennyfern Drive and Maple Road, on an upward gradient. The building is finished in painted brick and white

render with a flat roof and metal shuttering at the shop frontage. The premises was most recently operated as a retail unit but is currently vacant. There is no allocated parking for the building and parking is on-street. A grassed area surrounds the building, with the main access to the building via stairs from Maple Road. The surrounding area is predominantly residential with flats on the opposite side of Maple Road having recently been demolished.

## **PROPOSAL**

Planning permission is sought for the change of use of a vacant shop to a hot food takeaway and for the installation of an extract flue at the side of the building (extract flue in retrospect).

## **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 1 - Tackling the climate and nature crisis**

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

#### **Policy 9 - Brownfield, vacant and derelict land and empty buildings**

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

#### **Policy 13**

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

#### **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.

### **Policy 15**

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
  - employment;
  - shopping;
  - health and social care facilities;
  - childcare, schools and lifelong learning opportunities;
  - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
  - publicly accessible toilets;
  - affordable and accessible housing options, ability to age in place and housing diversity.

### **Policy 27 - City, town, local and commercial centres**

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

- b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:
- i. will be supported in existing city, town and local centres, and
  - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:
    - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
    - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
    - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

## **ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

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

### **Policy 11 - Managing Impact of Development on the Transport Network**

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

### **Policy 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.

## **PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

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

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

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

## Policy 17 - Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

## Policy 20 - Residential Areas

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

## Policy 23 - Network of Centres Strategy

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

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

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

## CONSULTATIONS

**Public Protection Manager** – No comments in relation to Food and Health, Air Quality, Noise or Contaminated Land. Conditions in respect of the specification of the ventilation and extraction system to serve the hot food takeaway, including the proposed odour mitigation measures and waste storage required.

Advisory notes also recommended in relation to construction and design management and ventilation.

**Head of Service - Roads and Transportation** – advises as follows:

- Parking should be provided in accordance with the National Roads Development Guidelines:

Use class	Car parking	Bicycle parking
Class 1 – retail	3 spaces per 100m <sup>2</sup> GFA	1 space per 400m <sup>2</sup> for staff and

		1 space per 400m <sup>2</sup> for customers
Sui Generis – hot food takeaway	5 parking spaces per 100m <sup>2</sup>	1No space plus 1 space per 50 car parking spaces

- The existing use of the premise is retail (Class 1). The GFA of the premise is 72m<sup>2</sup> which requires 3 car parking spaces.
- The proposed premise use is hot food take-a-way (Sui Generis). No floor plan has been provided by the applicant, therefore, the overall GFA for the premises has been used to calculate the parking requirement. The proposed use requires 4 spaces. Therefore 1 additional space is required over the existing use and there is adequate on-street parking within close vicinity of the premise.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 16<sup>th</sup> February 2024 as a Schedule 3 development.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was subject to neighbour notification and six objections have been received. The substance of which can be summarised as follows.

1. There is no parking associated with the unit and limited space on the street if any in the evening.
2. There is already congestion on the two way part of Maple Road which would be exacerbated by the proposed use.
3. Noise from the premises could result. Never had any hot food takeaways in the area as there are plenty in close proximity.
4. Could result in issues with privacy.
5. The smell of the food could be an issue and with no area for refuse could attract vermin.
6. The flue has already been installed before planning application.
7. Could result in anti social behavior associated with loitering.
8. Could reduce the value of property in the area.

## **ASSESSMENT**

The material considerations in the determination of this planning application are National Planning Framework 4 (NPF4); the 2019 adopted Inverclyde Local Development Plan (LDP); the 2021 proposed Inverclyde Local Development Plan; the impact on the character, function and amenity of the surrounding area; the consultation responses and representations received.

NPF4 policies 9, 14, 15 and 27 are of most relevance to this proposal and support development proposals that will result in the sustainable reuse of brownfield land, including vacant and derelict land and buildings; where the transport requirements generated have been considered in line with the sustainable travel; there is an improvement on the quality of an area; where they are consistent with the six qualities of successful places; development will enhance and improve the vitality and

viability of city, town and local centres, including proposals that increase the mix of uses and which are consistent with the town centre first approach will be supported.

Policy 1 of both Plans requires all development to have regard to the six qualities of successful places. The relevant qualities to this proposal in Policy 1 are being “Distinctive” in reflecting local architecture and urban form; being “Adaptable” by ensuring buildings and land can be adapted for a range of uses and to avoid buildings or spaces that will become neglected or obsolete; being “Resource Efficient” by making use of existing buildings and previously developed land, building at higher density in town and local centres and around public transport nodes; being “Easy to Move Around” well connected, with good path links to the wider network, recognising the needs of pedestrians and cyclists; being “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise; smell; vibration or air quality; avoiding creating spaces that are unsafe or likely to encourage and facilitate anti-social behaviour and crime; and minimising the impact of traffic and parking on the street scene; and being “Welcoming” in creating a sense of arrival, integrating new development into existing communities and creating attractive and active streets.

The application site is located in the settlement boundary of Greenock and comprises a former retail use which is now vacant. The applicant has installed an extraction flue to the side of the building in association with the proposed use which was undertaken without applying for formal planning permission. The current application seeks permission for these works in retrospect.

Policy 22 of the adopted Plan and Policy 23 of the proposed Plan define the preferred location for specific uses. The proposed use as a hot food takeaway is specifically identified in Schedule 6 to Policy 22 of the adopted plan and Schedule 5 to Policy 23 of the proposed Plan as a suitable town centre use. Whilst the unit proposed for a change of use is not located within the town centre, it is an established commercial building. An assessment of sequentially preferable sites within Greenock’s Strategic Centre is therefore not considered to be required in this instance. Furthermore, it is not considered that the premises would draw trade away from other centres which would result in any detrimental cumulative impact on the vibrancy, vitality or viability of other town and local centres. As the site accommodates a currently vacant premises, this proposal would additionally bring clear community and economic benefits best achieved at this central, accessible and convenient location for local users as well as contributing positively to the overall amenity of the area by bringing this building back into use and integrating new development into existing communities in accordance with the “Adaptable”, “Resource Efficient” and “Welcoming” factors of Policy 1 and Policy 17 of the proposed Plan.





View of the front elevation of 58 Maple Road, Greenock

Continuing to assess the proposal with reference to impact on the character and amenity of the surrounding area, the proposed development, has the potential to generate noise and smells through food preparation/cooking. The nearest residential properties are approximately 12m to the west, on the opposite side of the building from the extract flue which is a further 6m away from the nearest property. Given the separation distance between the development and the nearest residential properties, coupled with the requirement for a condition to be applied to any consent given, requiring that the details of the extraction system be approved, prior to use of the premises as a hot food takeaway, the proposal is unlikely adversely affect residential amenity in terms of cooking smells and odours. It should be noted that the Public Protection Manager has no objection or comments to make on the proposed development in terms of noise. The proposed development is therefore considered to avoid conflict with adjacent uses. The Public Protection Manager does however recommend that a condition relating to waste storage, be attached as conditions to any grant of planning permission. Policy 16 of the adopted Plan has therefore been addressed.

With regard to the appearance of the flue, this is of a standard design and is considered acceptable in terms of scale and material use for the area.

Amenity and operation of existing and surrounding uses can also be impaired by traffic movements from the premises. With regards to road safety, the Head of Service - Roads and Transportation has offered no objection to the proposal. The Head of Service - Roads and Transportation has however advised that use of the premises as a hot food takeaway would require the provision of 4 parking spaces to support the proposed use. Presently no allocated parking is associated with the approved commercial use and as such The Head of Service – Roads and Transportation has confirmed that existing on street parking within close vicinity of the premise is adequate to serve the development. Whilst the applicant was asked to provide a floor plan to confirm definitive parking numbers for the proposed use, this is not a legislative requirement for an application for a change of use and this has not been provided.

Considering Policy 13 of NPF4, support is offered to developments with low or no car parking in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled persons. This allowance, with sustainable transport available in the



wider area, coupled with the existing no parking provision for the retail use would, therefore, meet the criteria of Policy 13.

On balance, therefore the proposal with no allocated parking associated with the proposed use is considered to be acceptable on this occasion.

### Representations

With regards to the objections received that have not already been addressed above the following comments are made. Each application is assessed in its own merit and consideration requires to be given to the suitability of this location for the proposed use only under the provisions of this application. The position of the premises, remote from nearby residential development is unlikely to give rise to impact on privacy from the proposed use. Any nuisance from vermin associated with the use should be reported to the Council's Public Protection Service to investigate under their remit and any antisocial behaviour reported to Police Scotland. The value of property is not a material consideration in the assessment of planning applications.

### Overall conclusion

In conclusion, the proposed development accords with Policy 22 of the 2019 adopted Local Development Plan and Policy 23 of the 2021 proposed Local Development Plan. The form and appearance of the development is considered appropriate and having fully assessed the proposal inclusive of implications for traffic and parking, the development is considered acceptable and to present no significant conflict with the relevant policies which address these matters in either the adopted or proposed Local Development Plans. The proposal is also considered acceptable with reference to Policy 1 of both the adopted and proposed Local Development Plans. Having also considered the policies of NPF4, this proposal is appropriately located, involves redevelopment of a derelict building and brownfield site, has implemented sustainable transport and connections, will improve the vitality and meets the six qualities of successful places with no adverse implications to amenity. The proposal also therefore complies with the principles of NPF4. There are no other material considerations which indicate the application should not be granted subject to the conditions below. The proposal therefore merits conditional planning approval.

## **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.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Prior to the commencement of use of the hot food takeaway hereby approved, the applicant shall provide for the written approval of the Planning Authority, the exact details and specification of the ventilation and extraction systems to serve the hot food takeaway, including the proposed odour mitigation measures. For the avoidance of doubt the details and specification to be submitted shall include:
  - a) the exhaust point of the ventilation system being situated at a point most distant from opening windows of neighbouring residential properties and taking cognisance of the environmental conditions in the area including the immediate topography of the area.
  - b) ensuring that the exhaust air is expelled from the exit point at sufficient temperature/velocity to ensure it is taken away from nearby residential properties. The exit point should be at least 1 m above roof level
  - c) the maintenance/management scheme for the ventilation and filtration system; and

- d) the mechanical and electrical installations being arranged to ensure that the ventilation system operates during periods when the premises are open for the preparation and/or cooking of food.
- e) the ventilation, filtration and extraction systems shall then be implemented as approved with the systems retained and maintained/managed for as long as the premises remain as a hot food takeaway.

Reason: To protect residents from nuisance resulting from cooking odours.

- 3. Prior to the commencement of any construction works on site, the developer shall provide for the written approval of the Planning Authority, full details 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.

Reason: To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.

Stuart Jamieson  
Director, Environment and Regeneration

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

**Report To:** The Planning Board

**Date:** 6 November 2024

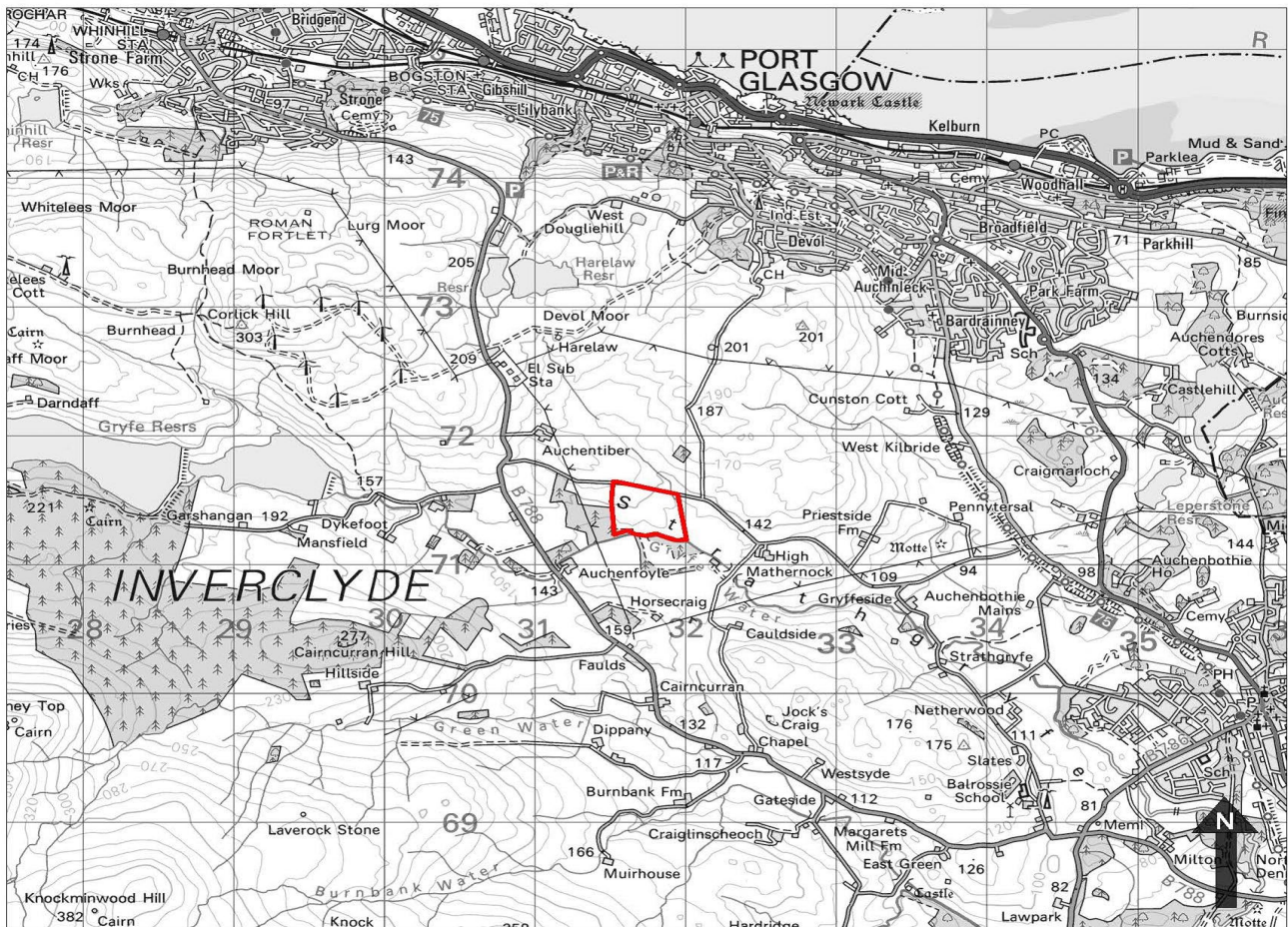
**Report By:** Director, Environment and Regeneration

**Report No:** 24/0001/EAA

**Contact Officer:** Sean Mc Daid

**Contact No:** 01475 712412

**Subject:** Installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 700MW (application made to the Scottish Ministers under Section 36 of the Electricity Act 1989) at land at Auchentiber Road, Port Glasgow



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## SUMMARY

- Inverclyde Council was consulted under the Section 36 of The Electricity Act 1989.
- The Scottish Ministers have granted consent under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 to install a battery energy storage system and associated infrastructure with a generating capacity of up to 700MW at land at Auchentiber Road, Port Glasgow.

The application and decision may be viewed at:

[Scottish Government - Energy Consents Unit - Application Details](#)

## INTRODUCTION

Proposals to construct generating stations that exceed 50 megawatts require consent under Section 36 of the Electricity Act 1989 and Scottish Ministers are responsible for approving applications for generating stations that exceed 50 megawatts. As such an application has been made by Apatura (GPC 700 Ltd) to the Scottish Ministers to install a battery storage facility with associated ancillary infrastructure at land to the south of Auchentiber Road (Scottish Government reference number ECU00004979). A battery storage facility is considered to be a generating station.

The Scottish Ministers are required to consult the planning authority where the development is located, NatureScot (former known as Scottish Natural Heritage), the Scottish Environment Protection Agency, Historic Environment Scotland as well as other relevant consultees and take their views into account during the decision-making process.

The Planning Board on 3rd April 2024 agreed with the recommendation on the consultation on the application to the Scottish Ministers under Section 36 of the Electricity Act 1989 that Inverclyde Council did not object to the proposal and also recommended that the Scottish Ministers attach various conditions to any deemed planning permission that may be granted.

## DECISION BY THE SCOTTISH MINISTERS

On granting consent under Section 36 the Ministers may also direct that planning permission for that development shall be deemed to be granted in terms of Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

On 11th September 2024 the Scottish Ministers granted under Section 36 of the Electricity Act 1989 and deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997.

The consent granted under Section 36 lasts for a period of forty years from the date of final commissioning

***The conditions attached to the Section 36 Consent are as follows.***

### 1. Commencement of development

(1) The Commencement of the Development shall be no later than three years from date of this consent, or such other period as the Scottish Ministers may direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority no later than one calendar month before that date.

Reason: To ensure that the Development is commenced within a reasonable period. And to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

## **2. Notifications**

(1) Written confirmation of the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

Reason: To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.

## **3. Assignment**

(1) The Company must not assign the consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions or refuse the assignment.

(2) In the event that the assignment is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of principal named contact at the assignee and contact details within fourteen days of the consent being assigned.

(3) The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with this condition.

Reason: To safeguard the obligations of the consent if transferred to another company.

## **4. Serious Incident Reporting**

(1) In the event of any breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

Reason: To keep Scottish Ministers informed of any serious incidents which occur, and which may be in the public interest.

## **5. Design and Operation of Storage Technology**

(1) There shall be no Commencement of the Development unless and until details of the Storage Technology and Approved Layout to be implemented, including final details of access and water supply for emergency services, have been submitted to and approved in writing by the Scottish Ministers in consultation with the Planning Authority. The Storage Technology details and infrastructure, including the battery storage units to be deployed, shall be consistent with the Application.

(2) Thereafter, the Development shall be installed and maintained in accordance with the approved details, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

Reason: In the interests of protecting the environment and visual amenity.

***The following conditions are attached to the Deemed Planning Permission.***

## **6. Implementation in accordance with Approved Layout and requirements of the section 36 consent**

(1) Except as otherwise required by the terms of this consent and deemed planning permission the Development shall be undertaken in accordance with the Application, the planning drawings and all

documentation lodged by the Company or its appointed agents on behalf of the Company in support of the Application. For avoidance of doubt this includes any recommended or proposed measure to avoid, minimise or offset any identified potential impact of the Development which is committed to or recommended in the Application and its constituent assessments.

Reason: To ensure that the Development is carried out in accordance with the approved details.

## **7. Commencement of development**

(1) The Development must be begun not later than the expiration of three years beginning with the date of this consent.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

(3) There shall be no Commencement of Development unless and until details of the phasing of the Development has been submitted to and approved in writing by the Planning Authority. Thereafter the Development shall be implemented in accordance with the approved phasing scheme unless any change is agreed in advance in writing by the Planning Authority.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997 and to ensure that the permission is implemented within a reasonable period and to allow the Planning Authority to monitor compliance with obligations attached to this planning permission as appropriate, and to ensure a properly programmed development.

## **8. Construction Environmental Management Plan**

(1) There shall be no Commencement of Development unless and until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but not be limited to) provisions in respect of:

- a) mitigation measures for potential dust, noise, and vibration impacts on nearby properties;
- b) waste management, pollution control and mitigation;
- c) surface water management;
- d) procedures for monitoring compliance and dealing with any breaches of the approved management plan;
- e) the formation of access from the public road to accommodate construction vehicles;
- f) access geometry, surfacing, and sightlines (this should specify both the construction and post construction access arrangements);
- g) the additional signage on both public roads where access will be taken to inform drivers of the construction vehicles;
- h) details of proposed temporary site compound for storage of materials;
- i) machinery, and designated car parking;
- j) details of a routing plan for deliveries to the Site; and
- k) a timetable for the construction phase including confirmation of site operating times on each day of the week.

(2) The measures set out within the approved CEMP shall thereafter be implemented in full.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment.

## **9. Financial Guarantee**

(1) There shall be no Commencement of Development unless and until a bond or other form of financial guarantee in terms which secure the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 10 is submitted to and approved in writing by the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 10.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations referred to in condition 10.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

#### **10. Site Decommissioning, Restoration and Aftercare**

(1) The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty years from the date of Final Commissioning. The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed forty-two years from the Date of Final Commissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

(2) No Development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall include measures for the decommissioning of the Development, restoration and aftercare of the Site and will include, without limitation, proposals for the removal of the above ground elements of the Development, confirmation of the status of subterranean elements of the Development (retention, removal, or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) No later than 3 years prior to decommissioning of the Development or the expiration of the consent (whichever is the earlier) a detailed Decommissioning, Restoration and Aftercare Plan, based upon the principles of the approved Decommissioning Strategy, shall be submitted to the Planning Authority for written approval. The detailed Decommissioning, Restoration and Aftercare Plan, will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases); to include the items listed in the CEMP site waste plan.
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;



- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the Site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the Site;
- f. soil restoration;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the Site and the creation and maintenance of associated visibility splays;
- k. details of any watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.
- m. traffic management plan
- n. timetable for decommissioning and restoration, which period shall not exceed two years unless otherwise agreed in writing by the planning authority.
- o. Restoration Layout Plan showing the indicative final restored layout including agricultural grade land and which shall include restoration of the topography which existed prior to the commencement of the Development unless otherwise agreed with the Planning Authority.
- p. The Development shall be decommissioned, the Site restored, and aftercare thereafter undertaken in accordance with the approved detailed decommissioning, restoration and aftercare plan, unless otherwise agreed in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the Site, in the interests of safety, amenity and environmental protection.

### **11. Removal of redundant equipment**

(1) The Company shall supply to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. If the battery storage facility fails to import or export electricity to the grid for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, the Company shall no later than one year after the last day of this 12-month period submit the Site Decommissioning, Restoration and Aftercare Plan to the Planning Authority for approval and implement it in accordance with condition 10.

Reason: To ensure that if the Development or part thereof becomes redundant the equipment is removed from the Site, in the interests of safety, amenity and environmental protection.

### **12. Levels**

(1) There shall be no Commencement of Development unless and until detailed levels, diagrams and sections, showing the existing and proposed levels throughout the Site in relation to a fixed datum point have been submitted to and approved in writing by the Planning Authority. Thereafter the Development shall be constructed in accordance with the approved levels, diagrams and sections.

Reason: To ensure that the levels are acceptable at this location.

### **13. Details of design**

(1) There shall be no Commencement of Development until final details of the external appearance, dimensions, and surface materials of the security columns, palisade fencing, BESS units, PCS inverter-transformer, Transformer, SPT client control buildings substation building, associated



compounds, any construction compound boundary fencing, and parking areas have been submitted to and approved in writing by the Planning Authority.

(2) The items listed above shall thereafter be constructed and maintained in accordance with the approved details, free from rust, staining or discolouration.

Reason: In the interests of the visual amenity of the area.

#### **14. Planning Monitoring Officer (“PMO”)**

(1) There shall be no Commencement of Development unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent, unless otherwise agreed in writing by the Planning Authority.

(2) The terms of appointment shall:

- a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- b. Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site;
- c. Require the PMO to report to the Company and the Planning Authority any incidences of noncompliance with the terms of the terms of the deemed planning permission and conditions attached to this consent at the earliest practical opportunity; and
- d. Monitor any remedial work undertaken due to noncompliance with point c to ensure work undertaken to required standard and in accordance with consent.

(3) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works, unless otherwise agreed by the Planning Authority. The PMO shall be given access to the Site at all reasonable times, and to digital and written records as necessary to fulfil their duties.

Reason: To ensure that the Development is constructed in accordance with the consent.

#### **15. Landscape works**

(1) There shall be no Commencement of Development unless and until full details of the proposed landscaping/planting as indicated on the “Landscape Masterplan” (Figure 5B of the Landscape and Visual Assessment) have been submitted to and approved in writing by the Planning Authority. The details shall include the phasing of the planting and a schedule of plants to comprise species, proposed numbers and density. Thereafter the landscaping/planting works shall be carried out in accordance with the approved details and shall be completed no later than the planting season immediately following the first operation of the Development hereby approved. Any planting which, during the lifetime of the Development, is considered by the Planning Authority to be dead, dying, severely damaged, or diseased shall be replaced by planting of a similar size and species to those originally approved.

Reason: In order to ensure the planting is acceptable at this location.

#### **16. Roads**

(1) There shall be no Commencement of Development unless and until details of the widening of Auchentiber Road adjacent to the proposed vehicular access to the Site, and as indicated on drawing RHC-23-128-01 Rev A, have been submitted to and approved in writing by the Planning Authority. Following approval, the widening of the road shall be completed no later than the first operation of the Development hereby approved.

(2) For the avoidance of doubt visibility splays of 2.4m by 33m shall be formed in both directions along Auchentiber Road at the vehicular access to the Site and thereafter maintained for the duration of the Development.

Reason: In the interests of roads safety.

## **17. Drainage**

(1) The principles of Sustainable Urban Drainage Systems (SUDS) for the surface water drainage regime shall be incorporated into the Development. There shall be no Commencement of Development unless and until details of the surface water management and SUDS proposals have been submitted to and approved in writing by the Planning Authority. Thereafter the surface water management details shall fully be implemented as approved.

Reason: In the interests of sustainable development.

## **18. Construction Traffic**

(1) There shall be no Commencement of Development unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The CTMP shall contain details: on routing of all traffic associated with the Development on public roads taking account of any height restrictions; allow for no HGV movements on the B788 Kilmacolm Road, Greenock Mondays to Fridays between 8.00-9.15am and between 2.30-3.30pm during school term time; measures to ensure that specific routes are adhered to, including monitoring procedures; details of signage and lining arrangements to be put in place; allow for any "no entry" signs to not be placed on the public road network; allow for "no right turn" signs to be placed within the Site to advise drivers to turn left towards the B788 Auchenoil Road; during the delivery period of the construction materials, any additional signing or temporary traffic control measures necessary due to the size and length of any loads being delivered; provisions for emergency vehicle access; and identification of a nominated person to whom any road safety issues can be referred.

(2) Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

Thereafter the approved CTMP shall be fully implemented unless otherwise agreed in advance in writing by the Planning Authority in consultation with Transport Scotland.

(3) Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

(4) Prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, function widening, and traffic management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

(5) For the avoidance of doubt, the access road into the Site shall be 5.5m wide for the first 20m and be fully paved over this length. Any gates to be installed on the access road shall be a minimum of 10m back from the road.

Reason: In the interests of roads safety and to ensure that the transportation of plant and/or materials do not have a detrimental effect on the road and structures along the route, and to minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the Development.

## 19. Noise and vibration

(1) Noise associated with the construction and decommissioning of the Development including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A below for the times shown. At all other times noise associated with construction/decommissioning operations shall be inaudible at any sensitive receptor. For the avoidance of doubt, sensitive receptors includes all residential properties, hospitals, schools and office buildings.

Table A: Construction Noise Limits Day Time Average Period Noise Limit

Day	Time	Noise Limit
Monday – Friday	07:00 – 08:00	60 dBA Leq (1 hr)
Monday – Friday	08:00 – 18:00	70 dBA Leq (10 hrs)
Monday – Friday	18:00 – 19:00	60 dBA Leq (1 hr)
Saturday	07:00 – 08:00	60 dBA Leq (1 hr)
Saturday	08:00 – 13:00	70 dBA Leq (5 hrs)

Reason: In the interests of safeguarding the amenities of occupants of noise sensitive properties during the construction and decommissioning of the Development.

(2) Noise from all operational activities within the Development site shall not exceed 31 dB L<sub>Ar,Tr</sub> as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(3) All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with the windows open at least 50mm, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(4) In the event of a justified noise complaint being received by the Planning Authority the Company shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 4, 5 and 6 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(5) Vibration levels associated with the construction of the Development shall not exceed the following limits:-

- a. 1mms-1 PPV at existing residential or educational properties
- b. 3mms-1 PPV at existing commercial or industrial properties

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

Reason: In the interests of the amenities of occupants of noise sensitive properties.

(6) Prior to the operation of the battery energy storage system hereby consented a revised Noise Impact Assessment (NIA) shall be submitted to and approved in writing by the Planning Authority. The NIA report shall include details of the specified plant to be installed and any required noise control measures to ensure that operational noise levels from the Development will be below the noise level limits detailed in this condition. Thereafter the Development shall only be operated in accordance with the approved NIA and any identified control measures for the lifetime of the Development.

Reason: In the interests of the amenities of occupants of nearby sensitive properties.

## **20. Lighting**

(1) There shall be no Commencement of Development unless and until details of external lighting (including details of the lighting units, the angle and intensity of illumination and hours of operation) has been submitted to an approved in writing by the Planning Authority.

Reason: To ensure the external lighting is acceptable and to avoid dazzling drivers of vehicles using the public roads network.

## **21. Archaeological works**

(1) There shall be no Commencement of Development within the Site unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, which has been submitted by the Company and approved in writing by the Planning Authority. Thereafter the Company shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the Development site is undertaken in accordance with the agreed programme.

Reason: In order to identify and protect any archaeological remains.

## **22. Landscaping and fill materials**

(1) There shall be no Commencement of Development unless and until a Material Management and Verification Plan has been submitted for approval in writing by the Planning Authority. This shall include details of all deposits reused or imported for fill and landscaping. The details of any imported fill/landscape materials shall be demonstrated suitable for the corresponding intended function. The type of information provided in the verification plan shall include the material function, origins, volume, chemical characteristics (including soil-leachate and geotechnical analysis as required), with placement plans and thickness of deposit.

Reason: To sustainably manage and protect soil resources and ensure quality of any imported materials in the interests of human health and environmental protection.

## **23. Unrecorded contamination**

(1) The discovery of Japanese Knotweed or any previously unrecorded contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and works should cease until a Remediation Scheme has been submitted to and approved in writing by the Planning Authority, and has been implemented.

Reason: To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

## **RECOMMENDATION**

That the Board notes the decision made by the Scottish Ministers.

Stuart W Jamieson  
Director  
Environment and Regeneration

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