

Report To: The Planning Board

Date: 5 February 2025

Report By: Planning & Building Standards Manager

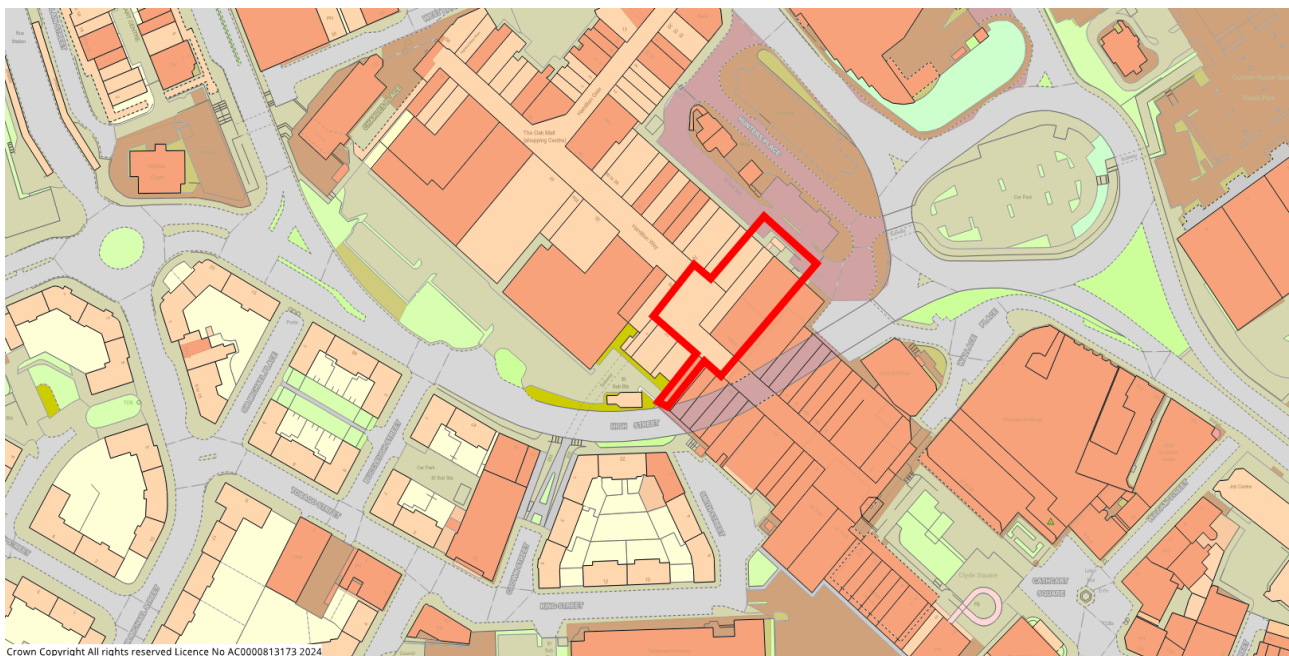
Report No: 24/0251/IC

Local Application Development

Contact Officer: Carrie Main

Contact No: 01475 712413

**Subject: Demolition of part of the shopping centre, installation of a new façade and associated works at
Oak Mall - Hamilton Gate, Greenock**



Crown Copyright All rights reserved Licence No AC0000813173 2024

SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal complies with the intent with the adopted and proposed Inverclyde Local Development Plans.
- There have been 1 representation objecting to the application.
- Consultations present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

[24/0251/IC | Demolition of part of the shopping centre, installation of a new façade and associated works. | Oak Mall - Hamilton Gate Hamilton Gate Greenock PA15 1JW](#)

SITE DESCRIPTION

The application site relates to the eastern part of the Oak Mall Shopping Centre, which is situated within Greenock Town Centre. The area which is the subject of the application relates to two shop units within the eastern end of the Oak Mall, bound by Hunters Place to the north-east and by back-of-house facilities for the Shopping Centre. The site adjoins and presents an increase to include two more shop units to the east of the extent of the demolition of the Oak Mall consented under 19/0285/IC effectively moving it westwards.

The A78 Trunk Road is situated immediately above the eastern section of the Oak Mall. The Oak Mall was formed by enclosing the previously open streets forming Hamilton Way and Hamilton Gate, with planning permission first being granted in 1988.

The external façade is largely a mix of brick and pre-cast concrete with large areas of red/brown brick punctuated by header courses in a lighter brick. Areas of timber cladding panels have been introduced as horizontal bands. The roof is predominately a flat roof system with the exception being the main glazed roof over the atrium. The building is showing signs of age with water ingress particularly at the eastern wing where the A78 is directly above.

A variety of buildings lie adjacent to the application site including the Category A listed Greenock Municipal Buildings, the Greenock Central library and the offices at Hector McNeil House. The Cathcart Street / William Street Conservation Area also adjoins the north-eastern corner of the application site.

PROPOSAL

Planning permission is sought to partly demolish an additional eastern section of the Oak Mall Shopping Centre. This follows on from consented demolition works under application 19/0285/IC to include two additional retail units, as described above, to create a new eastern entrance and façade to the Oak Mall with landscaping adjacent to it, to the west of High Street.

The redevelopment of the mall is being driven by the wider redevelopment project that redevelops the road network in and around the area to improve the public realm in general with both connection and landscape improvements. Changes to the A78, include dropping the road level and reducing the carriageway width, along with large-scale changes to the Bullring roundabout and junction.

The supporting information contends that the additional demolition extent as proposed will allow for an increased area of public realm externally and move the proposed new façade away from the altered A78 to create more breathing space between the road and the mall entrance, allowing for the introduction of a higher quality of public realm. The new demolition extent also follows the existing building movement joists of the building, making for a more efficient structural solution.

The proposed façade is to be stepped/staggered with aluminium framed curtain walling fenestration to create a legible arrival point in the form of a central glazed entrance feature. The walls are to be finished in predominately brick in brown-black colour with 'piers' and elements of precast concrete panels and contrasting brick to add depth and retain elements of the existing materials and design. The roof is to be built up at the façade to include a new flat roof with the existing glazed roof retained to enable service maintenance access around the glazed roof. The new flat roofs will tie in with the existing levels to retain drainage routes. Artwork is proposed on façade, which is subject to feasibility. Large metal signage is also included on the proposed façade. Detailed specification/final choice of detailed elements of the façade, materials, colours, finishes have not been provided within the application.

The landscaping proposals are stated as being indicative only at this stage to provide context with a further application for associated landscape proposals to be submitted in due course. The indicative plan includes some areas of hard landscaping around the entrance with extensive area of soft landscaping with avenues of specimen trees and hedges to create spatial structure. The supporting

information states that the landscaping approach is to create a high quality, simple and legible landscape that relates to and reinforces traditional street patterns and is sensitive to the site, including the setting of the A listed Municipal Buildings.

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 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 naturalized should be taken into account.

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

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- Sustainable Transport

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
- ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
- iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

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.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

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- Local living and 20-minute neighbourhoods

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 22- Flood risk and water management

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;

- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/ egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

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.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will 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:

- will be supported in existing city, town and local centres, and
- 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:

- The contribution made to the local economy;
- 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 5 - Heat Networks

Major Development applications will be required to include an energy statement which considers the feasibility of meeting the development's heat demand through a district heating network or other low-carbon alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

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

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

Policy 8 - Managing Flood Risk

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

- a be at significant risk of flooding; (i.e. within the 1 in 200 year design envelope);
- b increase the level of flood risk elsewhere; and

- c reduce the water conveyance and storage capacity of a functional flood plain.

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

Policy 9 - Surface and Waste Water Drainage

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

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

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

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

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

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

Policy 10 - Promoting Sustainable and Active Travel

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

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

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

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

Policy 11 - Managing Impact of Development on the Transport Network

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

Policy 12 - Air Quality

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

Policy 16 - Contaminated Land

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

Policy 22 - Network of Centres Strategy

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

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

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

Policy 28 - Conservation Areas

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

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.

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ.

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 5 - Heat Networks

Major Developments will be required to meet heat demand through a district heating network or other low-carbon alternative, unless the application is accompanied by an energy statement clearly demonstrating that this is not feasible. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

Policy 8 - Climate Change Adaptation

Where required by planning guidance, Major Developments are to be accompanied by a Climate Risk and Vulnerability Assessment.

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:

- o be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- o increase the level of flood risk elsewhere; and
- o 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:

- 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, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 - Promoting Sustainable and Active Travel

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

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

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

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

Policy 12 - Managing Impact of Development on the Transport Network

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

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

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

Policy 13 - Air Quality

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality

Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

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 22 - Community Facilities

Proposals for the new community facilities identified in Schedule 4 will be supported. Community facilities in other locations will be supported where the location is appropriate in terms of avoiding adverse impact on the amenity and operation of existing and surrounding uses, and where it can be reached conveniently by walking, cycling or public transport by its proposed users.

Proposals that would result in the loss of a community facility (including cultural/performance venues) will need to demonstrate that the facility is no longer required for the existing or an alternative community use.

The Council will produce Supplementary Guidance setting out the circumstances under which it will seek financial contributions from the developers of new housing towards new or extended community infrastructure required as a result of that housing 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 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.

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.

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ. Where this is not possible, the developer will be required to fully record the archaeological resource for archiving, prior to development commencing.

CONSULTATIONS

Historic Environment Scotland – No comments to make on the proposals. Their decision not to provide comments should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Head Of Service - Roads and Transportation –

1. Footway access shall be maintained between Clyde Square and Hunters Place or diversion routes clearly identified with access for wheelchairs.
2. All footways and footpaths should be a minimum of 2.0m wide.
3. A Section 56 will be required for any changes to the public road network.
4. Any areas of block paving should be impermeable.
5. A Road Construction Consent will be required for all new roads, footways and footpaths.
6. The proposed development will have an impact on the existing street lighting, accordingly a lighting and electrical design for adoptable areas will be required for the site. A system of lighting shall be kept operational at all times within the existing public adopted areas.
7. The existing Flood Risk Assessment (FRA) & drainage strategy submitted for application 19/0285/IC (August 2020) will suffice to cover the additional areas for application 24/0251/IC.

Head Of Public Protection – Conditions recommended to be placed on any grant consent in relation to ground contamination.

Transport Scotland - Noting the observations set out in this response, based on the information provided, Transport Scotland would offer no objection to planning application 24/0251/IC subject to the application of the following conditions to any consent awarded by the Council:

1. Any proposal for demolition that is within the Trunk Road Boundary or may have effect on the Trunk Road or its infrastructure should be made in accordance with the Design Manual for Roads and Bridges CG 300 'Technical approval of highway structures'.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

2. During the demolition process, Transport Scotland's staff or its Operating Company, must be able to have full access to the A78(T) Trunk Road Structure and A78(T) Road above.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

3. Measures must be implemented to ensure that Transport Scotland 's structure is not affected during or following the demolition process and that unhindered access is made available to Transport Scotland both during and following the demolition process and redevelopment of the land adjacent and beneath the bridge.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

4. Transport Scotland's structure must not be touched during the demolition. The Developer / Consultant must seek approval from the Structures Team in Transport Scotland prior to any works commencing on, adjacent to or below the road or structure.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

5. No works shall be undertaken until a Method Statement for the demolition has been submitted and approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The Method Statement will cover the following aspects:

- How the integrity of the structure will be monitored during the demolition works.
- How the substantial building sub-frames located at and beneath the structure will be dealt with.
- How the foundations for the buildings beneath the structure are to be dealt with.
- Identify what is currently attached to the structure and how they propose to remove those items and make good any damage.
- There is record of asbestos being within the ceiling space of the Mall, details of how this will be managed during the demolition will be required.
- How the works will be screened at the bridge structure to ensure that there is no driver distraction or dust / debris on the trunk road.
- Access arrangements for staff from Transport Scotland, and its Operating Company, to inspect and observe the works.
- A traffic management plan and programme of works as they affect the A78(T) shall be agreed in writing with Transport Scotland and continually updated as works proceed.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised; To minimise the distraction to drivers on the trunk road.

Advisory Notes:

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

PUBLICITY

The application was advertised in the Greenock Telegraph on 6th December 2024 as a development affecting the setting of a Listed Building.

SITE NOTICES

A site notice was posted on 6th December 2024 for affecting the setting of a listed building.

PUBLIC PARTICIPATION

One representation was received. The points of objection may be summarised as follows:

The removal of the bullring roundabout and installation of more traffic signalling will further disrupt the flow of traffic from Greenock to and from Glasgow. There is already a significant amount of traffic lights in this area. There needs to be an alternative way to retain some sort of roundabout that enables traffic to flow more efficiently.

This representation will be addressed within the assessment of the application.

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; the overall visual amenity impact; the impact on the vitality and viability of the Town Centre, on the existing streetscapes, pattern of development; the impact on the setting of the adjacent Category A listed building and adjoining conservation area. Historic Environment Scotland's "Policy for Scotland" and the Managing Change in the Historic Environment

Guidance Note on "Setting" advises on this; the planning history and the wider redevelopment proposals; the consultation responses; the representation and the applicant's supporting information.

The Policy Context

National Planning Framework (NPF4) acknowledges that city and town centres have experienced accelerating change in recent years. The pandemic has brought obvious challenges but has also unlocked opportunities to take forward new models of working that would better support wellbeing and improve our places in the longer term. Choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities. The Town Centre Action Plan Review and our subsequent response recognises the critical importance of planning with and for communities, sets a new vision for town centres, and reaffirms our commitment to the Town Centre First Principle. It recognises the critical importance of planning in diversifying the offer within our city and town centres, to help them thrive, improve their resilience and anticipate continuing societal, environmental and economic change. The Place Based Investment Programme supports our commitment to town centre action, places, local living and community wealth building, resilient urban living by rolling out networks of 20-minute neighbourhoods, future proofing city and town centres and accelerating urban greening. The Town Centre First Principle asks that government, local authorities, the wider public sector, businesses and communities put the health of town centres at the heart of decision making. It seeks to deliver the best local outcomes, align policies and target available resources to prioritise town centre sites, encouraging vibrancy, equality and diversity.

Both the adopted (2019) and proposed (2021) Inverclyde Local Development Plans locate the site within Greenock Town Centre Central Area, under Policy 22 and 23 respectively, which identifies Greenock as the strategic centre with the Greenock Central Area, which largely comprises the Oak Mall, being the preferred location for new retail development over 1,000 square metres. Schedule 7 of the proposed Plan identifies the Oak Mall eastern wing as a Network of Centres Opportunity Site. Opportunities which accord with the role and function of the town centre will be supported.

Policy 14 of NPF4 and Policy 1 of both LDPs are relevant in ensuring the qualities of contributing to a successful place are implemented. Policy 27 of NPF4 and Policy 22 of the adopted Plan and Policy 23 of the proposed Plan seek to ensure that proposals enhance and improve upon the vitality and viability of town centres, including proposals that increase a mix of uses which includes community and public spaces, will be supported. Policy 7 of NPF4 and Policies 28 and 29 of both LDPs only support development where the character and appearance of listed buildings, conservation area i.e. the historic environment and its setting is preserved and enhanced. This includes the existing density, built form and layout and context, siting, quality of design and suitable materials.

Other policies, as listed above, are of relevance to the proposal and relate to proposals impact on energy and minimising greenhouse gas emissions; ensuring the sustainable and safe reuse of brownfield land; ensuring no adverse implications in respect of flooding, land contamination, archeological interests, the level and quality of interconnectivity of the proposed development with the surrounding area; compatibility with the surrounding area and opportunities to provide access to the natural environment.

The principle of development- the proposed demolition and reconfiguration of the Oak Mall

The principle of the development, wider redevelopment and demolition works to the eastern wing of the Oak Mall consented under application 19/0285/IC have been supported. Opportunities for change and redevelopment here is also supported by the principles of NPF4 and the adopted and proposed Inverclyde Local Development Plan.

The conclusions of the previous application in relation to the existing vacancy rates within the eastern wing of the mall, the poor condition of the building at this location, and the adverse amenity impact it presents on the centre's overall vitality can be reiterated and applies to this application. It is acknowledged that additional demolition works presented by this application are required both structurally, and to benefit the overall visual amenity of the town centre and surrounding streetscape

by enabling the Oak Mall façade to be set back from the A78, which will inherently further improve the public realm through landscaping proposals and creation of a more legible environment. The demolition works will rationalise the floorspace and offer a re-design of the eastern approach to the Mall to more closely link to the traditional pattern of development which existed prior to the construction of the Mall with a focus on legible and connected streets with landscaping to present a more positive image of the Oak Mall and its surrounding environment to benefit the vitality and viability of Greenock Town Centre.

By acceptance of the demolition works and the wider redevelopment proposals a flexible and proactive approach is taken in addressing the new opportunities to diversify town centres, to accelerate urban greening and make sustainable use of assets to benefit communities. It can be concluded that the works would generally improve the visual and functional quality of the town centre.



Aerial view of the application site

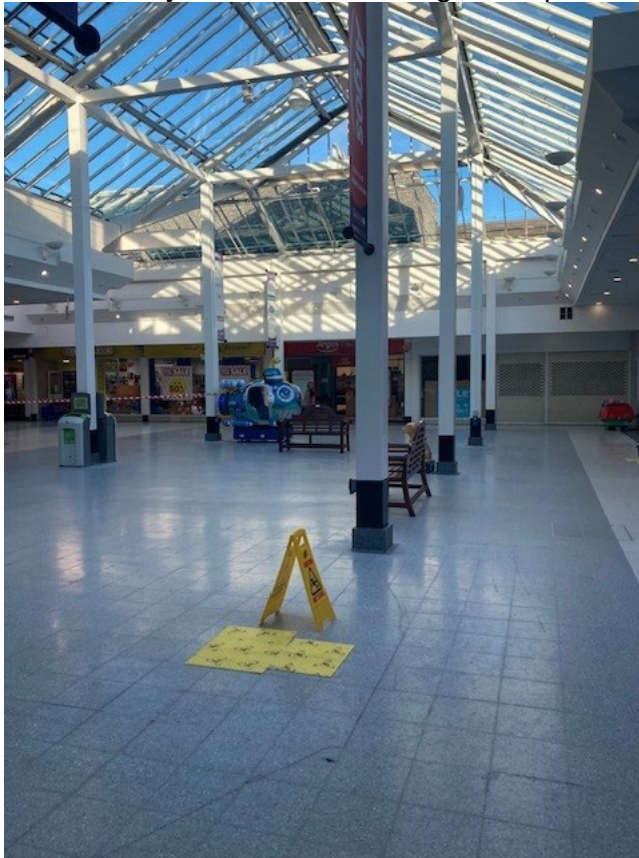
The redesign proposals; the façade and landscaping works

The new entrance façade and landscaping works are considered in terms of siting, scale, design and materials. The new glazed entrance creates a legible, welcoming, modern and distinctive feature which maximises natural lighting with when paired with the simple design/choice of materials which closely reference the existing building including fenestration and brickwork is considered visually appropriate. The intended inclusion of artwork on the façade, whilst the proposed is indicative and subject to further permissions, is welcomed in paying homage to the area's architectural history, this approach allows for exploration into whether the artwork can be retained and moved for reuse. It is however prudent that whilst accepted in principle, detailed specification of the final façade specification, including artwork, signage all external materials and finishes; a detailed landscaping plan, and specification of timely implementations/phasing be addressed in full by conditions.

The relationship between the proposal and the setting of the listed Municipal Buildings and the conservation area, as per the conclusions from the previous application and wider demolition works of the eastern wing of the mall, is not considered to present any adverse implications to the historic environment. The further demolition works proposed within this application are considered to setback the redevelopment works from the listed building and conservation area and to increase the public

realm and landscaping proposals to therefore contribute more positively to improve the setting and help to create a better sense of place than is currently experienced. The overall siting, scale, design and materials of the façade are appropriate to the setting and ensuring the Municipal Buildings had to remain the dominant focus and civic importance within Clyde Square. In addition, I note that, Historic Environment Scotland has no objection to the impact on the setting of the historic environment.

The requirement for the incorporation of low and zero carbon energy-generating technology can be addressed by a condition of a grant of planning permission.



Internal views of the Oak Mall at the atrium where demolition is proposed to extend to

Other amenity impacts- traffic, parking, accessibility; flooding and drainage

Turning to traffic, parking and accessibility issues the Head of Service - Roads and Transportation has advised on requirements relating to footway access, widths, that block paving areas be impermeable and street lighting which can all be appropriately addressed by conditions of any grant consent or as advisory notes. Transport Scotland have advised conditions and advisory notes that they wish to be appended to any consent but that there is no objection in principle to the proposed development. It can therefore be considered that the requirements of Policy 13 of NPF4, Policies 10 and 11 of the adopted Plan and Policies 11 and 12 of the proposed Plan can be met.

Regarding the representation/objection received, it relates specifically to the alterations to the road network which do not require planning permission, as opposed to the demolition works, new façade and landscaping as proposed in this application. The comments received are therefore not of relevance in the determination of this application.

In respect of flooding and drainage matters, I note that the information provided as part of the application and for the wider demolition works under application 19/0285/IC which has been accepted by the Head of Service - Roads and Transportation. On this basis I conclude that the requirements of Policy 22 of NPF4; Policies 8 and 9 of the adopted LDP; and Policies 9 and 10 of the proposed LDP have been addressed.

The Head of Public Protection has recommended that conditions relating to land contamination be placed on any grant consent. On this basis I can conclude that the requirements of Policy of 9 NPF4 and Policy 16 of the LDP have been addressed.

Although the site is included within the database inherited from the West of Scotland Archaeology Service in an area where archaeological remains may be present, the site has previously been developed, and it is therefore extremely unlikely that there will be any significant antiquity present below the existing structures. It would, nevertheless, be appropriate to impose a watching brief condition to determine if there are any matters of interest. This addresses the concerns of Policy 31 of the adopted and proposed LDPs.

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. The proposal, subject to the conditions as set out below, accords with National Planning Framework 4, the adopted and proposed Inverclyde Local Development Plan and there are no material considerations which suggest that planning permission should not be granted subject to conditions.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

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

2. The prior to the commencement of development details shall be submitted of the phasing of all developments on the site and that, for the avoidance of doubt, this shall include the demolition works, façade treatment and landscaping works.

Reason: To ensure timeous provision of the public realm elements in the interests of amenity and to protect the setting of the listed building and the Conservation Area.

3. That prior to commencement of development, elevations of the Oak Mall, including artwork, signage and all external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: To ensure the use of a quality of materials appropriate to the setting.

4. No development shall commence until a detailed landscaping plan is submitted which details a scheme of hard and soft landscaping works, a phasing plan and maintenance plan have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;

- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

5. That the new built elements of the proposal hereby permitted shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation of operation of low and zero carbon generating technologies, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the dwellings.

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

6. Footway access shall be maintained between Clyde Square and Hunters Place or diversion routes clearly identified with access for wheelchairs.

Reason: In the interests of suitable and safe accessibility.

7. All footways and footpaths should be a minimum of 2.0m wide.

Reason: In the interests of suitable safe accessibility.

8. That all areas of block paving shall be impermeable.

Reason: To help to prevent flooding.

9. That this application follows the flood risk assessment and drainage strategy approved for the wider demolition works under application 19/0285/IC.

Reason: In the interests of preventing flooding.

10. That all surface water during and after development is to be maintained within the site boundary.

Reason: To help to prevent flooding.

11. That confirmation of connection to Scottish Water Network should be submitted for approval prior to the commencement of development.

Reason: To ensure that drainage arrangements will satisfactorily be addressed.

12. That all surface water run-off from the site shall be limited to that of greenfield.

Reason: To reduce the risk of flooding in the wider area.

13. Any proposal for demolition that is within the Trunk Road Boundary or may have effect on the Trunk Road or its infrastructure should be made in accordance with the Design Manual for Roads and Bridges CG 300 'Technical approval of highway structures'.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

14. During the demolition process, Transport Scotland's staff or its Operating Company, must be able to have full access to the A78(T) Trunk Road Structure and A78(T) Road above.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

15. Measures must be implemented to ensure that Transport Scotland 's structure is not affected during or following the demolition process and that unhindered access is made available to Transport Scotland both during and following the demolition process and redevelopment of the land adjacent and beneath the bridge.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

16. Transport Scotland's structure must not be touched during the demolition. The Developer / Consultant must seek approval from the Structures Team in Transport Scotland prior to any works commencing on, adjacent to or below the road or structure.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised.

17. No works shall be undertaken until a Method Statement for the demolition has been submitted and approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The Method Statement will cover the following aspects:

- How the integrity of the structure will be monitored during the demolition works.
- How the substantial building sub-frames located at and beneath the structure will be dealt with.
- How the foundations for the buildings beneath the structure are to be dealt with.
- Identify what is currently attached to the structure and how they propose to remove those items and make good any damage.
- There is record of asbestos being within the ceiling space of the Mall, details of how this will be managed during the demolition will be required.
- How the works will be screened at the bridge structure to ensure that there is no driver distraction or dust / debris on the trunk road.
- Access arrangements for staff from Transport Scotland, and its Operating Company, to inspect and observe the works.
- A traffic management plan and programme of works as they affect the A78(T) shall be agreed in writing with Transport Scotland and continually updated as works proceed.

Reason: To maintain safety for members of the public; To minimise interference with the safety and free flow of the traffic on the trunk road; To ensure the integrity of the trunk road structure is not compromised; To minimise the distraction to drivers on the trunk road.

18. That no development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation

which has been submitted by the applicant and agreed in writing by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources is undertaken to the satisfaction of the Planning Authority.

Reason: In the interests of antiquity.

19. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the planning authority and that, for the avoidance of doubt; this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.

Reason: To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

20. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the planning authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.

Reason: To satisfactorily address potential contamination issues in the interests of human health and environmental safety.

21. That before the development hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.

Reason: To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.

22. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it 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.

Danny Henderson
Planning & Building Standards Manager

