
Report To:	The Planning Board	Date:	5 January 2010
Report By:	Head of Regeneration and Planning	Report No:	10/0234/IC Plan 1/11
			Major Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Approval of matters specified by conditions in planning permission 09/0182/IC and non-compliance with condition 15 of planning permission 09/0182/IC at James Watt Dock/ Garvel Island And Great Harbour Embankment, Greenock		

SITE DESCRIPTION

This application is in respect of the redevelopment of the James Watt Dock, Garvel Island and the western section of the Great Harbour areas of the Greenock Waterfront. The site extends to 40 hectares, of which 19 hectares are dry land, with the balance consisting of the Docks and part of the existing foreshore.

Although parts of the site presently lie in an abandoned state, other parts remain in active use. The Garvel Dry Dock remains operational and the Ministry of Defence utilise the Great Harbour area for servicing and supply purposes via a private company (Serco Denholm). The Great Harbour is also used for the importation of aggregate and there is a ready mix concrete plant located in this area. Two listed buildings, the Titan Crane and the Sugar Warehouse (both Category A) lie within the application site.

As part of the implementation of an earlier planning permission, a new access road into the Dock area has recently been formed, providing an access from East Hamilton Street.

PROPOSAL

Planning permission 09/0182/IC approved the principle of development of the site for mixed uses comprising housing, commercial, business, hotel, marina, landscaped public open space, access roads and off street car parking. 30 conditions were attached to the planning permission in principle. Compliance is required with 12 of these conditions prior to development starting on site and the application seeks to address these requirements. The relevant conditions are in respect of the appearance of buildings, access arrangements and landscaping (including play provision); a phasing plan; contaminated land risk assessment; an archaeological mitigation strategy; a dust management plan; a noise management plan; the lighting scheme; surface water drainage; foreshore reclamation; construction of the distributor road and installation of the associated traffic lights; landscaping maintenance arrangements, and the provision of a slipway. The applicant also seeks non-compliance with one condition in respect of floor levels within the Sugar Warehouse.

LOCAL PLAN POLICIES

Local Plan Policy SA2(b) - James Watt Dock (South Quay) and A8 Corridor (West)

Inverclyde Council, as Planning Authority, will support the development of sites (*) within Sub Area (b) identified on the Proposals Map, where proposals are in accordance with the following mixed use planning policy framework. Development must recognise and not obstruct the potential to renovate, convert and re-use the 'A' listed Sugar Warehouses.

Land Uses

Site A: James Watt Dock (South Quay), including Sugar Warehouses

- (a) Residential Flats;
- (b) Business (Offices and Light Industry) (Use Class 4);
- (c) Assembly and Leisure (Use Class 11);
- (d) Hotels and Hostels (Use Class 7);
- (e) Residential Institutions (Use Class 8);
- (f) Non-Residential Institutions, including Education (Use Class 10);
- (g) Maritime-based commercial enterprises, including provision for marina berthing facilities; and
- (h) Retail or Food and Drink (Use Classes 1 and 3), where ancillary to any of the above uses.

Site B: Former Kincaids Works (East)

- (i) Residential Flats; and/or
- (j) Other uses supportive of, and compatible with, the redevelopment of James Watt Dock and the Sugar Warehouses.

Site C: Cappielow Football Ground

- (k) Leisure and Recreational use, with the retention of current football ground or
- (l) Uses compatible with the mixed-use designation of Sub Area (b).

Site D: Sinclair Street

- (m) Business, General Industrial or Storage and Distribution (Use Classes 4, 5 or 6) or
- (n) Assembly and Leisure (Use Class 11), where associated with the redevelopment or relocation of Cappielow Football Ground.

[Note (*) Sites to be confirmed and endorsed through a Masterplan/Development Brief(s) and subject to the approval of the Council]

Design

- (o) The Council will require the design and finishing of all new buildings in this area, and especially those fronting onto the A8 trunk road, the docksides and the waterfront, to be of a high standard, reflecting the prominence of the development opportunity sites and their importance with regard to the image of Inverclyde as a whole.
- (p) Within James Watt Dock, land should be reserved for the Inverclyde Coastal Route (footpath and cyclepath).

Access

Access to the development opportunity sites will be achieved from:

- (q) a new junction on the A8 trunk road at the east end of the Sub-Area serving, to the north, the Sugar Warehouses, land to the east of the 'Titan' crane in James Watt Dock (South Quay), and Garvel Island (Sub Areas 'c' and 'h'); and to the south, the Sinclair Street site and Cappielow;
- (r) a western access from James Watt Way, an arm of the Cartsdyke Roundabout, to serve land to the west of the 'Titan' crane in James Watt Dock;
- (s) Ratho Street to access the former Kincaid Works (East); and
- (t) any development will be required to ensure safe and effective pedestrian and cycle routes through the development area and to facilitate unimpeded access to Cartsdyke Station.

Local Plan Policy SA2(c) - James Watt Dock (North Quay) and Garvel Island (West)

Sub Area (c) is identified on the Proposals Map as a 'Major Area of Potential Change' (AO). The following land use options are considered to be acceptable, providing they are supportive of, and complementary to, the redevelopment of the James Watt Dock (South Quay) and Sugar Warehouses, and providing they conform to a Masterplan/ Development Brief, to be agreed in advance by the Council.

Land Use Options

- (a) Housing (Use Class 9) and use as Residential Flats; and/or
- (b) Other uses, including education, compatible with the mixed use designation of Sub Area (b), including outdoor recreational use with ancillary development which exploits the leisure potential of the island resource and setting; or
- (c) Business, general industrial and/or storage or distribution uses (Use Classes 4, 5 or 6), including maritime-related commercial use, will be considered in the short-to-medium term, subject to assessment against other relevant Local Plan policies. Such uses will be granted temporary planning permission with conditions attached.

Access

Access (subject to feasibility studies and the masterplanning exercise (refer (f) below), would be through:

- (d) the new junction on the A8 trunk road at the east end of Sub-Area (b);
- (e) the construction of a new bridge (on the present site) to access the island; and
- (f) any development will be required to ensure safe and effective pedestrian and cycle routes through the development and to facilitate unimpeded access to Cartsdyke Station.

Other Considerations

- (g) Subject to the land uses implemented within Sub Area (b) and (c), a more appropriate access to Sub Area (c) may be achieved via Sub Areas (f) and (h).

CONSULTATIONS

Transport Scotland - No objections.

Land Use Consultants - Cycle route connections to land either site of the require clarification.

Head Of Environmental And Commercial Services - Visibility splays within the site should be provided. It is noted that although the Flood Risk Assessment and Flood Resilience Report from the consultants for the Sugar Warehouse is acceptable, the floor level of the building is less than 5 metres above Ordnance Datum and that the 1 in 200 year still water level in 2050 is predicted at 4.2metres above Ordnance Datum, which is higher than part of the existing quay.

Head Of Safer And Inclusive Communities - No objections in respect of the Sugar Warehouse with respect to contamination. The dust management and noise management plans are acceptable.

West Of Scotland Archaeology Service - A condition in respect of archaeological investigation for each phase of the development requires to be imposed.

Biodiversity Officer - Information of relevance to conditions 10 and 11 (Black Guillemots) is not provided.

Scottish Natural Heritage - No objections to the revised scheme for the road central reservation. Preference is expressed for the use of native species but a reasoned explanation of the use of non-native species may be acceptable, provided that the starting point is for the use of native species.

Scottish Environment Protection Agency West - No objection.

PUBLICITY

The application was advertised in the Greenock Telegraph on 13th August 2010 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification and press advertisement. One letter of representation was received from the RSPB, who express concern over the lack of information in respect of Black Guillemots.

ASSESSMENT

As this application is in respect of compliance with conditions attached to the planning permission in principle, the only material considerations are whether or not, for each relevant condition, sufficient and appropriate information has been provided for the condition to be discharged. I will address the conditions in order.

The siting, design and external appearance of buildings and the landscaping of the site, including play provision (conditions 1a and 1c) will be complied with as development proceeds. It is not possible for the applicant to provide all this information at this stage. Condition 1b relates to the access road which has been constructed under an earlier planning permission (09/0039/IC). Condition 1(b) may, therefore, be discharged.

A detailed phasing plan (condition 3) has been submitted and is satisfactory in principle. Development of the site is divided into 6 phases: phase 1 consists of the access road; phase 2 consists of enabling and development works to the south, north and east of the James Watt Dock and includes the first phase of housing to the east of the Sugar Warehouse; phase 3 involves enabling and development works including infilling at the causeway, formation of a temporary road at this locus, and a further phase of works to the Sugar Warehouse; phase 4 consists of enabling and development work including infill and revetments at Garvel Island, a further phase of the Sugar Warehouse development and the release of land north of the James Watt Dock for housing; phase

5 includes enabling and development works including infilling at the Perch and Great Harbour, marina and roadway to the marina, revetment works, further development of the Sugar Warehouse, and the release of the remaining housing land and commercial land to the north of the James Watt Dock; phase 6 consists of development works at the Titan Crane and development of a visitor centre. It does not, however, contain specific information in respect of detailed layouts of each phase, including the position of roads, houses and lighting. This information will be provided by individual developers as the development proceeds.

Information has been submitted with respect to site contamination (condition 4) within the first two phases and has been cleared by the Head of Safer and Inclusive Communities. Information for later phases and will require to be submitted prior to each phase proceeding, although agreement has been reached as to the methodology to be followed.

An archaeological mitigation strategy has been submitted and accepted in principle (condition 8), however West of Scotland Archaeology Service require detailed investigation and clarification for each phase of the development.

The Head of Safer and Inclusive Communities has expressed satisfaction with the dust and noise management plans and, therefore, conditions 18 and 19 may be discharged.

Details of the proposed lighting scheme (condition 20) have been submitted insofar as it applies to the first and second phases of the development. The detail submitted is acceptable with no comments being made by the Council's Lighting Engineer. It is acknowledged that individual developers will require to submit the details for the remainder of the site as development proceeds.

Similarly, information on sustainable urban drainage systems (condition 21) has been submitted for phases 1 and 2 and is acceptable. Later phases will require to be submitted as development proceeds.

Details of foreshore reclamation have been accepted by SEPA, hence condition 22 may be discharged.

The distributor road has already been constructed but the traffic signals have yet to be installed (condition 24).

Details of the maintenance and management regime for all landscaped areas (condition 26) cannot be provided at this stage as individual developers have not yet been appointed for the various phases.

With respect to the request to attempt to form a public slipway access to the dock, harbour or river (condition 27), this has been addressed in that I note attempts have been made to find a suitable point for the provision of a slipway but that, due to relative levels of the land to the tides and health and safety issues, no such access point has been found to be suitable.

Turning to all the above conditions that cannot be fully discharged at this point, it is appropriate to use further conditions in respect of the timing of the submission of the required information to allow discharge by each phase.

Non-compliance is sought for the requirement in condition 15 that finished floor levels within the application site be set at or above 5.0 metres above Ordnance Datum. The establishment of this minimum floor level can be complied with in respect of new build development within the site, and the planning permission in principle requires this. The problem relates to the Sugar Warehouse which has an existing floor level below 5.0 metres AOD. This matter is addressed in more detail by planning application 10/0151/IC. To summarise, however, following consultation with Historic Scotland, the Scottish Environment Protection Agency and the Head of Environmental and Commercial Services, it has been concluded that an exception may be made in the case of the Sugar Warehouse as alterations to floor levels within the building and external alterations to

accommodate consequential disabled access to it would be to the detriment of the character of this "A" grade structure. Non-compliance with this condition in respect only of the Sugar Warehouse is acceptable, provided that no ground floor level occupation is residential in nature. For the avoidance of doubt, all new buildings will still have to have a minimum floor level of 5.0 metres AOD.

Turning to the consultee replies not already addressed above, the cycle route connections requested by LUC have not been fully detailed on the submitted plans but the applicant has clarified that it will run between the Sugar Warehouse and James Watt Dock, detouring around the Titan Crane before connecting to the existing frontage footpath adjacent to the three blocks of flats at James Watt Way. The cycle route will be provided as phase 2 of the works.

The Head of Environmental and Commercial Service's concerns regarding visibility splays throughout the development will again be met by the submission of information as each phase progresses.

I note the Biodiversity Officer's and RSPB's comments on Black Guillemots, however compliance is not required prior to the start of works but only prior to works affecting the harbour walls.

I am therefore satisfied that there are no material considerations suggesting that permission should not be granted for compliance with conditions 1b, 18, 19, 22 and 27, and non-compliance with condition 15. With respect to the other conditions detailed above, I consider that they can only be discharged insofar as they relate to phases 1 and 2 of the development. It is appreciated that for an application site of this size it is not always possible to provide information for the whole site prior to development commencing but that, in re-stating conditions with a submission timing requirement, the outstanding matters may be satisfactorily addressed.

RECOMMENDATION

That the application be granted subject to conditions:

Conditions

1. That further approval of the Council shall be required with respect to the undermentioned matters hereby reserved before development is commenced on the later phases, and shall be provided and approved in advance of development commencing on each said phase:
 - a. the siting, design and external appearance of any building(s) to which the planning permission or the application relates;
 - b. details of the landscaping of the site, including play provision.
2. That each phase within the approved phasing plan shall be completed prior to commencement of development on the subsequent phase, unless agreed in writing by the Planning Authority.
3. That each of phases 3-6 shall not commence until a risk assessment for each phase, including any necessary remediation strategy 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 acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
4. That no development shall take place within each phase of the development site as outlined in red on the approved plan 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, agreed by the West of Scotland Archaeology Service, and approved 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 within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

5. That prior to the commencement of development in phases 3-6, full details of the lighting scheme in each relevant phase shall be submitted to and approved in writing by the Planning Authority.
6. That details of the maintenance and management programme for all areas of soft and hard landscaping within each of phases 3-6 shall be submitted to and approved in writing by the Planning Authority prior to the start of development in each of the relevant phases. The programme shall commence upon the start of development in each of the relevant phases.
7. That non-compliance with condition 15 of planning permission 09/0182/IC is granted only in respect of the Sugar Warehouse. For the avoidance of doubt all other development within the application site shall be set at or above 5.0 metres above Ordnance Datum.
8. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences in each phase of the development, details for the relevant phase shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the relevant water detention areas.
9. That prior to the commencement of construction, the traffic signals permitted by planning permission 09/0039/IC shall be installed.

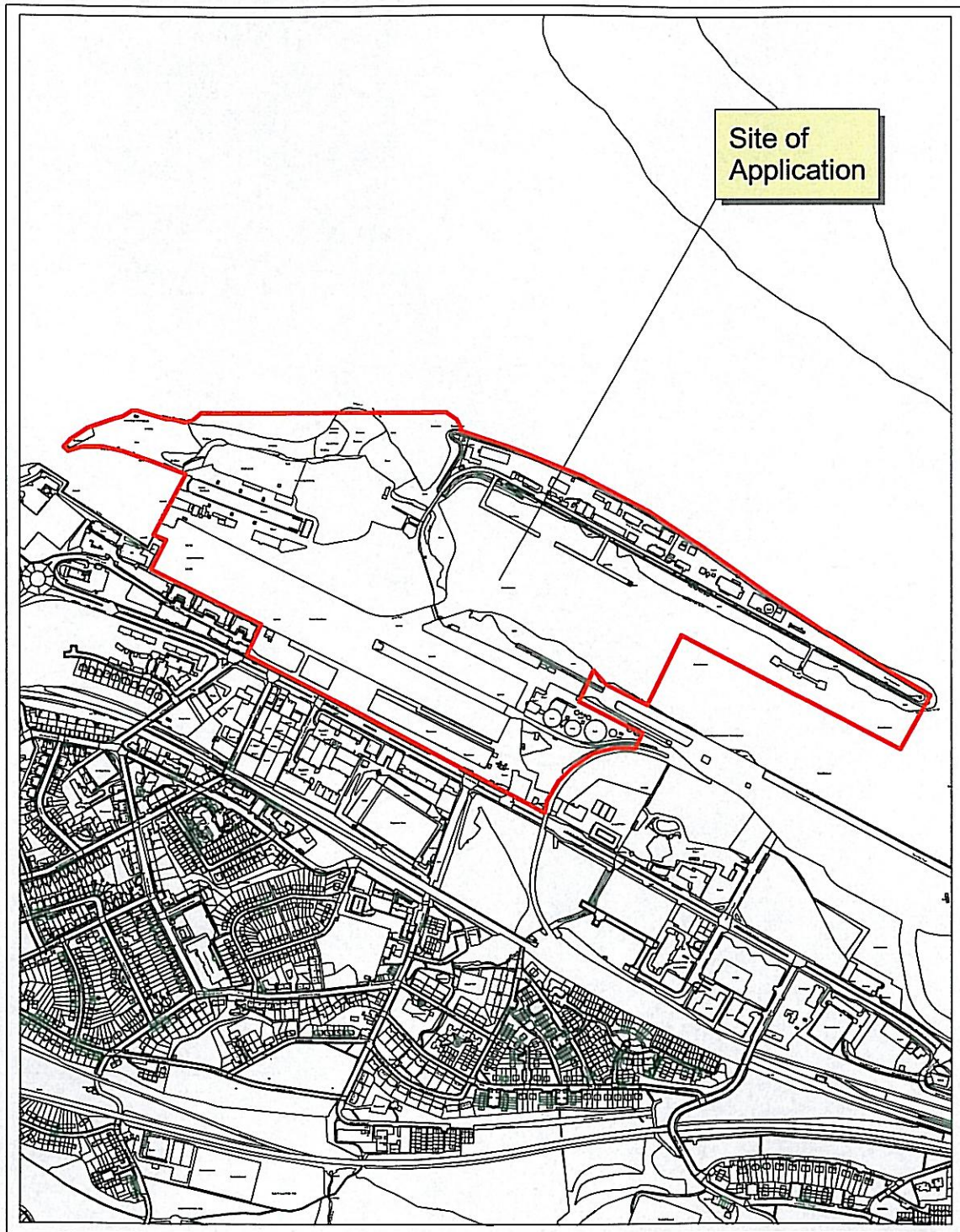
Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure that development proceeds in a manner conducive to public safety and in the interests of the built heritage.
3. To provide verification that remediation has been carried out to the authority's satisfaction.
4. In the interests of antiquity.
5. In the interests of public safety.
6. To ensure the visual amenity of the development is retained.
7. To prevent flooding of the floors of properties.
8. To control runoff from the site to reduce the risk of flooding.
9. To ensure ease of access to the site and the free flow of traffic on the adjacent A8 trunk road in the interests of traffic safety.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's supporting information.
3. Inverclyde Local Plan.
4. Consultation responses.
5. Letter of representation.



Drawing No. 10/0234/IC James Watt Dock/Garvel Island & Great Harbour Embankment, Greenock.

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Date: 08:12:10



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