

**Report To: The Planning Board**

**Date: 7th August 2013**

**Report By: Head of Regeneration and Planning**

**Report No: 13/0138/IC  
Plan 08/13**

**Local Application  
Development**

**Contact Officer: David Ashman**

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**Subject: New flood defences including embankment, flood walls and flood barriers at  
Battery Park Sports Pitches, Eldon Street, Greenock**

## **SITE DESCRIPTION**

Battery Park is sited between Eldon Street and the foreshore where Greenock's West End meets Cardwell Bay. The application site is at the eastern end of the park in the vicinity of the artificial sports pitch and pavilion.



## **PROPOSAL**

Planning permission is sought for a series of flood prevention works around parts of the western, northern and eastern boundaries of the sports pitch, which has been subject to flooding with consequent costly surface replacement. The flood protection measures are designed to prevent damage occurring in the future.

To the west of the pitch is a footpath. The western boundary works propose the formation of a 7 metres wide, 2 metres high and 160 metres long grass embankment to the west of the footpath and an approximately 40 metres long 1 metre high flood barrier wall to the east of the footpath and

immediately adjacent to the pitch. These two flood prevention measures are linked by a short section of the footpath, which is ramped with a hand rail to the height of the wall and mound.

On the eastern side of the pitch an approximately 50 metres long flood wall will generally bound the pitch before crossing an area of landscaping to run for a length of 7 metres adjacent and parallel to the access road from Eldon Street.

All of the flood prevention walls are to be brick built with the outer side rendered for flood proofing. The walls will be topped with a coping stone.

Existing walls and the sports pavilion provide most flood protection along the northern boundary, however, demountable barriers are proposed at access points to both the pavilion and pitch.

## **DEVELOPMENT PLAN POLICIES**

### Local Plan Policy LR1- Safeguarding Open Space

Inverclyde Council, as Planning Authority, will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map;
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges; and
- (c) where appropriate, encourage other relevant and compatible development for the purposes of leisure, recreation and sport.

### Local Plan Policy UT4 - Reducing Flood Risk

Inverclyde Council will seek to reduce the risk of the flooding of non-agricultural areas by resisting development on functional flood plains. Where development is proposed for an area considered to be at risk from flooding, the Council will:

- (a) require the preparation of a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA);
- (b) seek the incorporation of flood prevention measures able to cope with, as a minimum, a 1 in 200 year rainfall event, depending on the type of development proposed, taking into consideration predicted climate change and sea level changes in the period to 2050, or justification as to why this standard of protection is not required;
- (c) consult with SEPA where development is likely to result in a material increase in the number of buildings at risk from flooding; and
- (d) require Clyde waterfront and coastal development to be protected against coastal flooding to a level of 5 metres above the ordnance datum.

Flood prevention measures and sea defences should not increase the risk of flooding elsewhere or have an adverse impact on the natural or built environment. For planning permission to be granted, the Council will require agreement to be reached in respect of the continual maintenance of flood prevention infrastructure and sea defences associated with the proposed development

## **PROPOSED LOCAL DEVELOPMENT PLAN POLICIES**

### Policy ENV4 - Safeguarding and Enhancing Open Space

Inverclyde Council will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map; and
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community, and their function as wildlife corridors and Green Network links.

## Policy INF4 - Reducing Flood Risk

Development will not be acceptable where it is at risk of flooding, or increases flood risk elsewhere. There may be exceptions for infrastructure if a specific location is essential for operational reasons and the development is designed to operate in flood conditions and to have minimal impact on water flow and retention.

All developments at risk of flooding will require to be accompanied by a Flood Risk Assessment and should include a freeboard allowance, use water resistant materials where appropriate and include suitable management measures and mitigation for any loss of flood storage capacity.

## CONSULTATIONS

**Head of Environmental and Commercial Services** – The Flood Risk Assessment is acceptable.

**Scottish Environment Protection Agency West** - No objections.

**Marine Scotland** - A licence for deposit under the Marine (Scotland) Act 2010 may be required.

**Head of Safer and Inclusive Communities** – No objection subject to conditions in respect of Japanese Knotweed and control of contaminated materials and advisory notes in respect of times and methods of construction, site drainage, surface water control and seagull control.

**Scottish Water** - No objection.

## PUBLICITY

The application was the subject of neighbour notification and was advertised in the Greenock Telegraph as there are no premises on neighbouring land.

## SITE NOTICES

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

## PUBLIC PARTICIPATION

One objection has been received from the Cardwell Bay and Greenock West Community Council on the basis of previously failed planting, the further planting of trees and bushes will also result in failure. Planting will also obscure visibility and encourage suspicious behaviour to the detriment of public safety. Overall, the objector considers that the proposal will be ineffective and questions the value of the project.

## ASSESSMENT

The material considerations in determination of the application are the Local Plan, the proposed Local Development Plan, the consultee responses, the representation and the visual impact of the flood defences.

The proposal is aimed to safeguard the future use of the artificial playing surface which is a valuable recreational asset. This accords with Policy LR1 of the Local Plan and the equivalent Policy ENV4 of the proposed Local Development Plan. I note that the Head of Environmental and Commercial Services is satisfied with the submitted flood risk assessment and that there are no objections from the Scottish Environment Protection Agency. I also conclude, therefore, that the proposal accords with Policy UT4 of the Local Plan and the equivalent Policy INF4 of the proposed Local Development Plan.

There are no matters raised by the remaining consultees that require to be addressed in the planning assessment. The outstanding issues may be addressed through conditions and advisory notes on a grant of planning permission.



As there are no policy or technical constraints to this development, it rests finally to consider the design issues and the impact on visual amenity. The height and finished appearance of the wall (2 metres; facing brick on one side, render on the other) are of appropriate scale and design. The greatest visual impact will be from the proposed grass embankment but in the context of the park overall I consider that the visual impact on the Park will be neither significant nor adverse. While noting public representation opposing additional shrubs and trees, I can confirm that no new planting is proposed as part of this application. The embankment is to be grassed.



## RECOMMENDATION

That the application is granted subject to the following conditions:-

1. That prior to their use, samples of the facing brick and render to be used on the flood prevention walls shall be submitted to and approved in writing by the Planning Authority.
2. 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 treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.

3. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing, by the Planning Authority.
4. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing, by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.

#### Reasons

1. To allow assessment of the visual impact of the walls.
2. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
3. To ensure that all contamination issues are recorded and dealt with appropriately.
4. To protect receptors from the harmful effects of imported contamination.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Plan.
3. Inverclyde Local Development Plan.
4. Consultation replies.
5. Letter of representation.



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