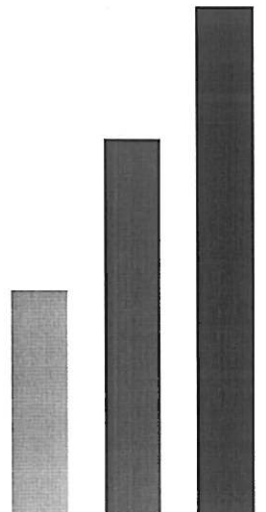


Agenda 2013

Planning Board

For meeting on:

| | | |
|---|-----------|------|
| 4 | September | 2013 |
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A meeting of the Planning Board will be held on Wednesday 4 September 2013 at 3 pm within the Municipal Buildings, Greenock.

ELAINE PATERSON
Head of Legal and Democratic Services

BUSINESS

1. **Apologies, Substitutions and Declarations of Interest**
2. **Continued Planning Application**
Report by Head of Regeneration & Planning on continued application for planning permission by Clydeport for proposed residential development (in principle) at land off Lithgow Way, Port Glasgow (13/0035/IC)
3. **Planning Applications**
Reports by Head of Regeneration & Planning on applications for planning permission as follows:-
 - (a) **Miss N Owens**
External gas pipework (in retrospect):
4 Ashgrove Avenue, Gourrock (13/0018/LB)
 - (b) **Inverclyde Wind Farm Limited**
Erection of a 70m meteorological mast:
Corlic Hill, Greenock (13/0116/IC)
 - (c) **Inverclyde Council**
Alteration and extension to existing primary school, formation of new teaching facilities and gymnasium/assembly hall and provision of external play surfaces (MUGA):
Ardgowan Primary School, Newton Street, Greenock (13/0178/IC)
 - (d) **Ms L Balfe**
Change of use of footway to outdoor seating area together with the installation of an external awning:
Café Balfe, 118 West Blackhall Street, Greenock (13/0203/IC)

Enquiries to - **Rona McGhee** - Tel 01475 712113

| | | | |
|-----------------------------|--|--------------------|--|
| Report To: | The Planning Board | Date: | 4th September 2013 |
| Report By: | Head of Regeneration and Planning | Report No: | 13/0035/IC Plan 09/13 |
| | | | Local Application Development |
| Contact Officer: | Guy Phillips | Contact No: | 01475 712422 |
| Subject: | Proposed residential development (in principle) at Land off Lithgow Way, Port Glasgow | | |

BACKGROUND

At the August meeting of the Planning Board, consideration of the above planning application was continued for a site visit on 29 August 2013 to allow Members to consider the site and its environs.

SITE DESCRIPTION

The site, which extends to approximately 0.58ha, is north of Lithgow Way immediately east of the junction with Iron Way, Port Glasgow. To the north-west is a recently completed play area. Housing lies opposite on Lithgow Way and Iron Way.



PROPOSAL

The applicant seeks permission for the principle of residential development on the site.

DEVELOPMENT PLAN POLICIES

Policy SA2(j)(1) Kingston Basin and Environs

Sub Area (j)(1) 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 conform to a Masterplan/ Development Brief, to be agreed in advance by the Council.

Land Use Options

- (a) Business use, general industrial and/or storage or distribution, including Marine-related commercial use (Use Classes 4, 5 or 6); or
- (b) Housing (Use Class 9) and use as Residential Flats.

Access

- (c) An eastern access to the area will be provided for vehicles from a new roundabout on the realigned A8 trunk road;
- (d) A western access for vehicles from the A8 trunk road in the vicinity of the existing junction at Bogston will serve not only this area but also Sub Areas (g) and (i) this junction is identified as a 'trunk road improvement' in the Plan (Policy TA11, Schedule 5.1); and
- (e) Any development will be required to ensure safe and effective pedestrian and cycle routes through the development area and to facilitate unimpeded access to Bogston Station.

Additional Considerations

- (f) Any development will be required to include provision for the Inverclyde Coastal Route, allowing for any specific operational requirements of retained business and/or dock areas;
- (g) Building lines will be required to be set back sufficiently from the principal thoroughfares, and in particular the realigned A8 trunk road, to allow the incorporation of landscaped strips; and
- (h) The design and materials proposed for elevations that are visible from the A8 trunk road will be required to reflect the importance of the strategic route.

Local Plan Policy LR8 - Inverclyde Coastal Route

Inverclyde Council supports and will seek to complete the Inverclyde Coastal Route (footpath and cycleway), as part of the 'core path network' throughout Inverclyde. Developers will be required to make appropriate provision in submitting planning applications, particularly in the four coastal Special Development Areas, identified in the Plan.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy RES3 - Residential Development Opportunities

Residential development will be encouraged and supported on the sites and indicative locations included in Schedule 6.1 and indicated on the Proposals Map. An annual audit of the housing land supply will monitor and review, and where necessary, augment the Effective Land Supply, to maintain a minimum five year's supply in accordance with the GCV SDP and SPP guidance.

Policy TRA2 - Sustainable Access

New major trip-generating developments will be directed to locations accessible by walking, cycling and public transport, and developers will be required to submit a transport assessment and a travel plan, if appropriate. Such developments will be required to recognise the needs of cyclists and pedestrians as well as access to public transport routes and hubs, and have regard to the Council's Core Paths Plan, where appropriate. Where development occurs which makes it necessary to close Core Paths and other safeguarded routes, provision of an alternative route will be required.

The Council will also support and seek to complete the Inverclyde Coastal Route with developers required to make appropriate provision when submitting planning applications. National Routes 75 and 753 of the National Cycle Network will also be protected.

Policy ENV3 - Safeguarding and Enhancing the Green Network

Inverclyde Council will support, safeguard and where practicable, enhance Green Network links in accordance with Supplementary Guidance on the Green Network.

The provision of the Green Network should be a core component of any master plan or Local Development Framework. Where development proposals would encroach upon or undermine the green network, alternative routes and green space will be expected to be provided or enabled. The Council will also seek to complete the following Green Network links as shown on the Proposals Map:

- (a) Custom House Quay, Greenock - Clyde Muirshiel Regional Park
- (b) Victoria Harbour, Greenock - Clyde Muirshiel Regional Park
- (c) Coronation Park, Port Glasgow - Clyde Muirshiel Regional Park
- (d) Spango Valley (Valley Park) - Clyde Muirshiel Regional Park.

CONSULTATIONS

Head of Environmental and Commercial Services - No objections subject to the road design and off street parking being in accordance with the Council's Roads Development Guide. A flood risk assessment and drainage layout should be submitted for approval along with confirmation of SEPA's and Scottish Water's acceptance.

Head of Safer and Inclusive Communities - No objections subject to conditions to control the spread of Japanese Knotweed and potential ground contamination and advisory notes on waste storage, external lighting, construction noise, CDM Regulations and seagulls.

Transport Scotland - No objections.

Scottish Environment Protection Agency West - No objections subject to a condition reserving the design of a sustainable urban drainage system.

PUBLICITY

The application was the subject of neighbour notification and was advertised in the Greenock Telegraph.

SITE NOTICES

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

PUBLIC PARTICIPATION

Twenty seven written representations have been received; twenty four objections, one in conditional support, one expressing concern but not objecting and one making comment.

The objectors are concerned that:

- road safety would be adversely affected. There is a play park adjacent to the site.
- there shall be additional traffic noise.
- the area shall be over-crowded.
- the houses may be of a different design to those in the area.

- existing residents paid a premium for waterfront views which shall be spoiled.
- residents were advised that no houses would be built on the site.
- there are brownfield sites elsewhere in Port Glasgow which should be developed.
- Port Glasgow residents shall lose an attractive addition to the public coastal pathway, interrupting the band of green space between Inchgreen Dry-Dock and the roundabout at the Tesco supermarket.
- property values shall be adversely affected.
- wildlife shall be impacted. There may be a loss of ecological habitats.
- the site suffers from water-logging.
- there shall be a loss of morning light to the front of properties on Lithgow Way.
- the proposed housing may be for social tenants.
- finishing materials should match those of existing houses.
- property sales in the area are slow.

The letter of support offers no objection if a footpath is provided along the waterfront, the letter of concern questions the access arrangements, while the letter making comment advises that the proposal is supported if houses are mortgaged, but opposed if rented or social. This latter point is not a determining factor in my assessment of the application.

ASSESSMENT

The material considerations in the determination of this planning application are The Local Plan, the proposed Local Development Plan, and the planning history of the site, the consultation responses and the written representations.

In June 2005, outline planning permission was granted for the redevelopment of the former Scott Lithgow and Kingston shipyard. The masterplan accompanying the permission indicates the application site to be developed for a public house. Since then permissions have been granted for residential development with 319 units complete and a further 46 under construction. A waterfront park has also been constructed.



While the masterplan envisages commercial development on the application site, Policy SA2(j)(1) of the Local Plan confirms that residential development is an acceptable use within the former Kingston shipyard. The availability of other development sites in Port Glasgow does not preclude planning permission in principle being granted for this site. This is reinforced by Policy RES3 of the proposed Local Development Plan which encourages and supports residential development.

Importantly, this proposal does not prejudice the key waterfront access aspect of the Masterplan and as required by Local Plan policy LR8 and proposed Local Development Plan policies TRA2 and ENV3. Presently the Inverclyde Coastal Route is incomplete in this location with a link remaining to be completed around the north east of the application site. Development of the application site does not preclude completion of the footpath, and with the land to support the link under the control of the applicant I consider it appropriate to attach a condition requiring the completion of the path. Overall, while the commercial development envisaged by the masterplan was to complement residential development, the principle of developing this site for residential purposes complies with both the Inverclyde Local Plan and the proposed Local Development Plan and the wider intent of the masterplan allowing waterfront access is not compromised.

Addressing the consultation responses, I have no objections to the conditions relating to the control the spread of Japanese Knotweed, potential ground contamination and the design of a sustainable urban drainage system, and to advisory notes on waste storage, external lighting, construction noise, CDM Regulations and seagulls as recommended by SEPA and the Head of Safer and Inclusive Communities. The Head of Environmental & Commercial Services offers no objections on road safety grounds but requests the submission of a flood risk assessment and drainage layout, both of which may be submitted as a reserved matter.

In response to outstanding objections not previously addressed in my assessment, density of development, house design, finishing materials, daylighting and drainage are all matters that would be considered when a subsequent detailed layout and design is submitted. This application will also be the subject of neighbour notification. While I note representations on the impact on otters and bats, these issues were addressed to the satisfaction of Scottish Natural Heritage when outline planning permission was granted for the wider development area.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. Development shall not commence until an application for approval of matters specified in conditions is submitted to and approved in writing by the Planning Authority in respect of the siting, design and appearance of:
 - (a) All buildings.
 - (b) All roads, footpaths and parking layouts.
 - (c) All areas of open space and landscaping.
 - (d) All walls, fences and gates.

Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.

2. No houses on the site shall be occupied until the coastal footpath and associated landscaping to the north east of the site approved under planning permission IC/08/007 has been completed.
3. 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. 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.
4. The development shall not start until an environmental investigation and risk assessment of all pollutant linkages, including any necessary remediation strategy with timescale for implementation, 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.

5. On completion of remediation and verification/validation works the developer shall submit in writing to the Planning Authority a Completion Report confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site. Prior to the site being occupied approval in writing from the Planning Authority must be received.
6. 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.
7. 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.
8. Development shall not commence until a flood risk assessment and drainage layout, including a surface water management scheme, have been submitted to and approved by the Planning Authority in consultation with SEPA. Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.
9. All houses shall have a minimum finished floor level above ordnance datum in compliance with that identified in the approved flood risk management scheme.

Reasons

1. To ensure the development reflects the design and character of nearby housing.
2. To ensure the completion of the Inverclyde Coastal Route in accordance with Local Plan policy LR8 and proposed Local Development Plan policies TRA2 and ENV3.
3. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
4. To satisfactorily address potential contamination issues in the interests of environmental safety.
5. To provide verification that remediation has been carried out to the Authority's satisfaction.
6. To ensure that all contamination issues are recorded and dealt with appropriately.
7. To protect receptors from the harmful effects of imported contamination.
8. To prevent harm from flooding and to comply with the requirements of SEPA.
9. To prevent harm from flooding and to comply with the requirements of SEPA.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Planning application forms and plan.
2. Inverclyde Local Plan.

3. Proposed Local Development Plan.
4. Consultation responses.
5. Written representations.



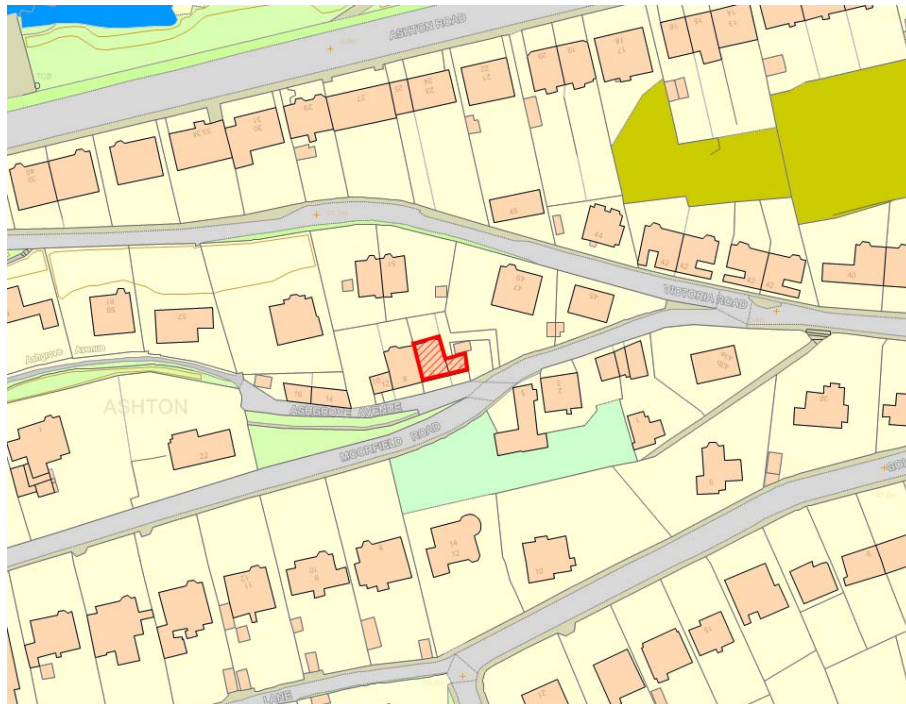
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| Report To: | The Planning Board | Date: | 4th September 2013 |
| Report By: | Head of Regeneration and Planning | Report No: | 13/0018/LB Plan 09/13 |
| Contact Officer: | Guy Phillips | Contact No: | 01475 712422 |
| Subject: | External gas pipework (in retrospect) at 4 Ashgrove Avenue, Gourock | | |

SITE DESCRIPTION

Located within an established residential area of Gourock, 4 Ashgrove Avenue is a first floor flat within a Grade C listed Victorian building sited at the junction with Moorfield Road.



PROPOSAL

Listed building consent in retrospect is sought for the installation of an external gas pipe. The flat's gas supply enters the building immediately above ground floor level on the north east (side) elevation, adjacent to the entrance door. A new pipe has been connected at this point, rising parallel to the doorway before turning at first floor level towards the corner of the building, before running along the front elevation for approximately 4m before turning vertically to enter the building at first floor window cill level.

DEVELOPMENT PLAN POLICIES

Local Plan Policy HR14 - Alterations and Extensions to Listed Buildings

Proposals to alter or extend a listed building must respect the reasons for listing, be of a high standard and will only be approved where the proposed works are satisfactory in terms of the following matters (as and where appropriate):

- (a) overall design;
- (b) scale and form;
- (c) materials and finishes;
- (d) landscaping proposals;
- (e) form of boundary enclosure; and
- (f) compliance with Policy HR1.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy HER3 - Proposed New and Amended Conservation Areas

The Council proposes to progress with the designation of the following new and amended conservation areas, as shown on the Proposals Map, in order to safeguard their architectural and/or historic character from inappropriate development:

- (1) The Cross, Kilmacolm (new);
- (2) West Bay, Gourock (new);
- (3) Kempock Street/Shore Street, Gourock (new); and
- (4) Inverkip (amended).

Policy HER4 - Alteration, Extension and Demolition of Listed Buildings

There is a presumption in favour of the retention of listed buildings, and their demolition, in full or in part, will only be accepted after a full assessment of the importance and condition of the building has been undertaken. Proposals to alter, extend or demolish a listed building must respect the reasons for listing, be of a high standard and will be approved only where the proposed works do not adversely affect the special interest of the building and are satisfactory having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

CONSULTATIONS

None required.

PUBLICITY

The application was advertised in the Edinburgh Gazette and the Greenock Telegraph as a development affecting a Listed Building.

SITE NOTICES

A site notice was posted as a development affecting a listed building.

PUBLIC PARTICIPATION

Two letters of objection have been received, expressing concern that:

- the pipework is unsightly and out of keeping with the building; and

- when the listed building was refurbished approximately 17 years ago, all gas pipes were all re-located internally. It would be consistent to continue with this practice.

ASSESSMENT

The material considerations in the determination of this application are the Local Plan, the proposed Local Development Plan, Historic Scotland's Scottish Historic Environment Policy (SHEP) and Managing Change in the Historic Environment guidance notes series, and the letters of objection.



Policy HER3 of the proposed Local Development Plan locates the listed building within a proposed conservation area. Policy HR14 of the Local Plan and policies HER1 and HER4 of the proposed Local Development Plan combine to require alterations to listed buildings and development within conservation areas to respect the reasons for listing and to be of a high standard not adversely affecting the special interest of the building. Historic Scotland's SHEP and Managing Change in the Historic Environment guidance notes series provide detailed guidance on the acceptability of alterations.



SHEP suggests that the change in the historic environment should be managed intelligently and with understanding and the Managing Change in the Historic Environment guidance advises that new external fixtures should be sited to maintain the special architectural or historic interest, integrity and fabric of the building. To this end it informs that close attention to the routing of pipework away from principal elevations will help to minimise the visual effect of new equipment. This application does not meet this design guidance and in failing to do so conflicts with the aims of Policy HR14 of the Local Plan and policies HER1 and HER4 of the proposed Local Development Plan. The long pipe run across two of the building's principal elevations is both harmful to the character of the building and is not proper management of the historic environment. I concur with the views of the objectors and consider the pipework to be both unsightly and out of keeping with the building.

RECOMMENDATION

That listed building consent be refused.

Reason

The long pipe run across two publicly visible elevations is harmful to the character of the Grade C listed building, fails to meet the design guidance within Historic Scotland's Managing Change in the Historic Environment design guidance series and is contrary to the Scottish Historic Environment Policy, policy HR14 of the Inverclyde Local Plan and policies HER1 and HER4 of the proposed Inverclyde Local Development Plan.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Plan.
3. Proposed Inverclyde Local Development Plan.
4. Scottish Historic Environment Policy.
5. Managing Change in the Historic Environment.
6. Letters of objection.



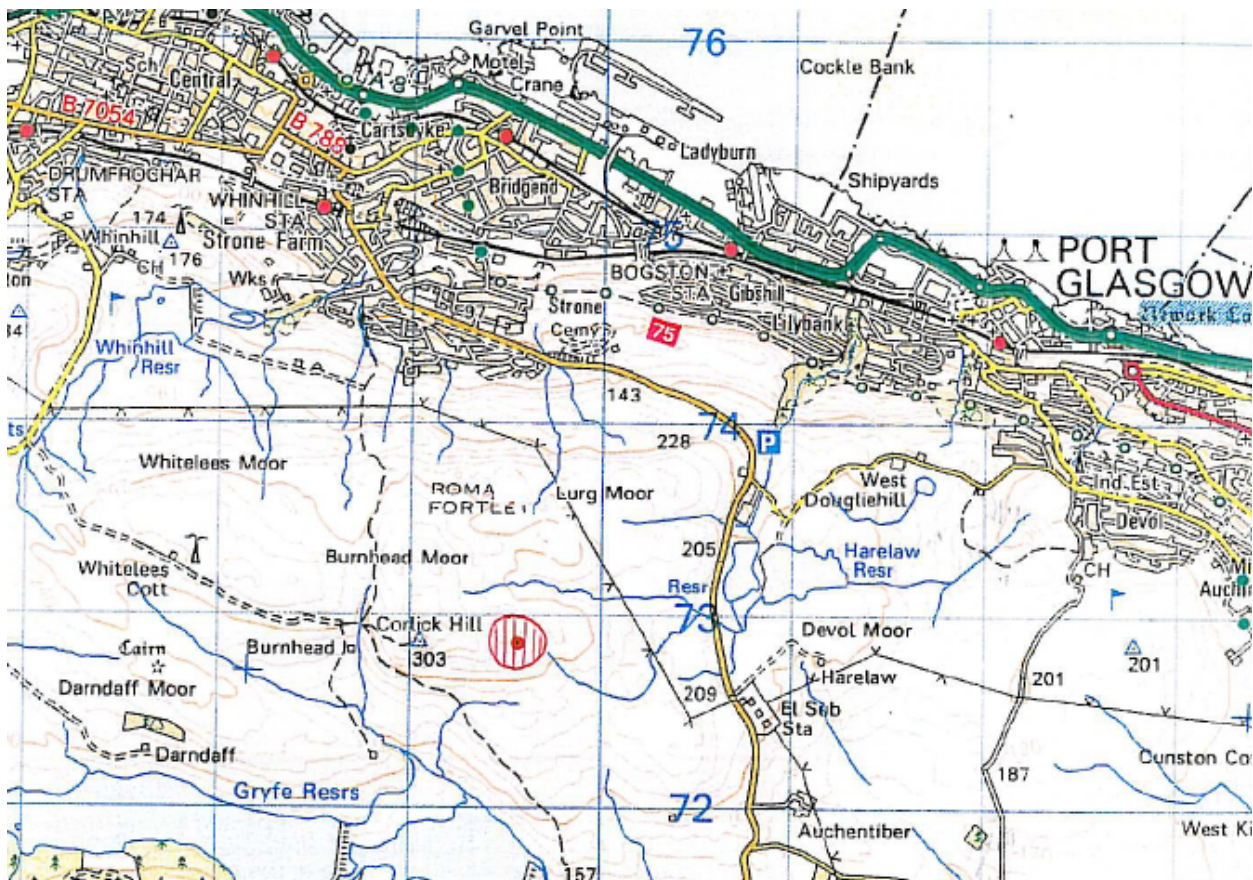
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| Report To: | The Planning Board | Date: | 4th September 2013 |
| Report By: | Head of Regeneration and Planning | Report No: | 13/0116/IC Plan 09/13 |
| | | | Local Application Development |
| Contact Officer: | David Ashman | Contact No: | 01475 712416 |
| Subject: | Erection of a 70 metre meteorological mast at Corlick Hill, Greenock | | |

SITE DESCRIPTION

The site is on open moorland due north of the Gryfe Reservoir No.2 on Burnhead Moor, and to the east of Corlick Hill. It is a position approximately 3 km south east of Greenock town centre commanding long views except to the west, where Corlick Hill intervenes.



PROPOSAL

It is proposed to erect a 70 metres high slender stayed steel meteorological mast on a small base frame and supported by 4 well spaced stay anchors. Each stay will consist of 6 guy wires. The mast is to carry wind vanes and anemometers at different heights and a small data logger. The applicant seeks approval for a 3 year period.

The mast is required in connection with a current planning application to construct a wind farm east of Corlic Hill and will facilitate the collection of meteorological data to support the proposed wind farm's operational needs. Access for construction is to be taken from the B788. The proposal for the wind farm will be considered at a future meeting of the Planning Board.

DEVELOPMENT PLAN POLICIES

Local Plan Policy DS8 - Green Belt

There is a presumption against development in the designated Green Belt, as identified on the Proposals Map. Proposals will only be considered favourably in exceptional or mitigating circumstances and where the criteria for development in Policy DS10 for the 'Countryside' can be satisfied.

Local Plan Policy DS10 - Countryside

Development within the countryside (including the Green Belt) will be permitted only where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture and forestry;
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and contributes to the social and economic development of the area;
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site;
- (d) it entails appropriate re-use of vacant buildings which it would be desirable to retain for their historic or architectural character; or
- (e) it forms part of an establishment or institution standing in extensive grounds; and
- (f) it does not adversely impact on the landscape character;
- (g) it does not adversely impact on the natural heritage resource;
- (h) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (i) there is a need for additional land for development purposes, provided it takes account of the requirements of the Structure Plan; and
- (j) it complies with other relevant Local Plan policies.

Local Plan Policy DS11 - Clyde Muirshiel Regional Park

Clyde Muirshiel Regional Park will be safeguarded by having regard to Local Plan policies DS8 and/ or DS10 and in accordance with the Planning Practice Advice Notes Nos. 5 and 6, under Policy DC1.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy ENV1 : Designated Environmental Resources

(a) International and National Designations

International

Development which could have a significant effect on a Natura site will only be permitted where: an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or there are no alternative solutions, and there are imperative reasons of overriding public interest, including those of a social or economic nature.

National

Development that affects a SSSI (or other national designation that may be designated in the future) will only be permitted where:

it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

(b) Strategic and Local Designations

Development adversely affecting the strategic and local natural heritage resources will not normally be permitted. Having regard to the designation of the environmental resource, exceptions will only be made where:

- (i) visual amenity will not be compromised;
- (ii) no other site identified in the Local Development Plan as suitable, is available;
- (iii) the social and economic benefits of the proposal are clearly demonstrated;
- (iv) the impact of the development on the environment, including biodiversity, will be minimised; and
- (v) the loss can be compensated by appropriate habitat creation/enhancement elsewhere.

Policy ENV2 - Green Belt and the Countryside

Development in the Green Belt will only be considered favourable in exceptional or mitigating circumstances, while development in the Countryside will only be considered favourably where it can be supported with reference to the following criteria:

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or
- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice.

Policy INF1 - Renewable Energy Developments

The Council will support development required for the generation of energy from renewable sources, subject to the proposal not having significant adverse effects upon:

- (a) natural heritage designations (international and national designations should not be compromised);
- (b) the landscape and wider environment;

- (c) neighbouring settlements;
- (d) tourism, recreation and conservation matters;
- (e) the built heritage;
- (f) biodiversity and the water environment;
- (g) air quality;
- (h) road safety and service infrastructure; and
- (i) the cumulative effect of such proposals.

CONSULTATIONS

BAA Aerodrome Safeguarding - No objection.

Civil Aviation Authority - No objection.

Clyde Muirshiel Park Manager - Objection due to the visual impact on a sensitive landscape, the detrimental impact on recreational users, the historic interest that is sensitive to inappropriate development, damage to the peat habitat that will release carbon, and the potential harm to bird species.

MOD Safeguarding - No objection. Advisory notes and conditions should be added to a grant of planning permission.

NATS - CTC - No objection.

Scottish Environment Protection Agency West - No objection. Drainage requires to be treated in accordance with the SUDS manual.

Scottish Natural Heritage - No objection subject to two conditions:

1. Bird diverters should be fitted to the guy lines used on the mast and they should be checked every 6 months to a year to ensure that they remain effective for the period of operation.
2. Construction work shall take place outwith the main bird breeding season (i.e., outwith April to July inclusive). If this is not possible an ornithologist should be engaged to survey the ground immediately prior to such works to advise of any bird nesting activity.

Historic Scotland - No objection, although the Council may wish to give consideration as to whether or not there is scope to relocate the mast away from the Roman Road to reduce any potential impact.

PUBLICITY

The application 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

The application was the subject of neighbour notification and press advertisement. 35 objections have been received. Objectors include Kilmacolm Community Council, Greenock West and Cardwell Bay Community Council, Inverkip and Wemyss Bay Community Council, the Save Your Regional Park Campaign and Inverclyde Ramblers. The points raised may be summarised as follows:

Policy issues:

- Disruption or destruction of archaeological remains. A "protection" condition for archaeological remains is also requested in the event of approval.
- Contrary to Local Plan policies DS8 and DS10.
- Historic Scotland object to the proposal.
- It is a IUNC Category V designated site (locally important) and merits protection.
- It is a nationally important site.
- Wind energy is inefficient – this is a precursor to a wind farm (several objectors refer to their opposition to a wind farm at this location).

Impact on enjoyment of the area:

- Adverse visual impact within the Regional Park, adding to the existing visual clutter caused by telecommunications masts, pylons and telegraph poles.
- Adverse impact on wildlife.
- Adverse impact on tourism.
- Impact on right to roam.
- Noise pollution.
- Loss of enjoyment of countryside through creeping industrialisation.
- Health and safety concerns.
- Too near to residential properties.
- The mast should be located closer to existing vertical structures such as telecoms masts to minimise visual clutter.

Other points:

- If the application is to be approved a requirement should be imposed that a bond be submitted to cover removal of the mast and restoration of the site in the eventuality that the developer enters administration or receivership.
- If the application is to be approved then a time restricted permission is requested.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Plan, the proposed Local Development Plan, the consultation responses, the letters of representation and the planning history of the site.

Planning permission has twice been granted for the erection of a meteorological mast on this site; in November 2002 (for a two year period) and, on appeal to the Scottish Ministers, in December 2005 (for a 1 year period). Neither planning permission was implemented. Given this site history, it remains to be considered if there are any circumstances that have changed in the intervening period to suggest that planning permission now merits refusal.

The Development Plan position has changed. The most recent approval was issued when the current Inverclyde Local Plan was at the final draft stage. It has since been adopted, with the Council since moving on to produce the Inverclyde Local Development Plan, which is currently at the Proposed Plan stage.

The application site is within an area of the current Local Plan where policies DS8, DS10 and DS11 apply. As the site is within the Green Belt (policy DS8), assessment of the proposal requires to be carried out under policy DS10. I consider the most relevant criteria are (c), (f), (g) and (h).

Criterion (c) relates to demonstration of a specific locational need. Without prejudice to the later consideration of a proposed wind farm, I accept that a meteorological mast is an integral element of wind farm developments and that readings have to be taken in the same area that the wind turbines would be placed. It has to be recognised that wind farms are sited in rural areas and that should permission be granted at a later date there is a clear locational need for

this mast. Furthermore, in determining this application the Council cannot prejudice the consideration of any other planning applications.

Considering the impact on landscape character (criterion (f)) and the effects on visual amenity (criterion (h)), I concur with previous assessments that the slender nature of the mast will have a negligible impact on visual amenity and as the only example of this type of structure, will not adversely impact on the landscape character. The increase of the height of the mast to 70 metres from the previously approved 50 metres does not change this conclusion. Furthermore, the footprint of the mast and the guy anchoring points cover such a limited area that any impact on the natural heritage resource will be very limited. I also note that Scottish Natural Heritage have no objection subject to conditions in respect of bird protectors and the timing of works (criterion (g)). I am therefore satisfied that this limited visual, landscape character and wildlife impact means that the proposal is acceptable with reference to policies DS8, DS10 and DS11.

A similar conclusion may be reached when assessing the relevant policies of the proposed Local Development Plan; Clyde Muirshiel Regional Park is a local designation under policy ENV1 and Policy ENV2 addresses issues of the Green Belt and Countryside. Criteria from Local Plan policy DS10 are repeated in these policies. In addition, Policy ENV2 introduces an assessment of impact on prime quality agricultural land and on significant peat land (criteria (g) and (h) respectively of policy ENV2). The mast will avoid deep peat deposits and is not sited on prime agricultural land. Finally, as a renewable energy related development this proposal is supported in principle by policy INF1.



In summary, while the Development Plan has changed since a mast on this site was last approved, the proposal continues to accord with the current Local Plan and the proposed Local Development Plan.

It rests, therefore, to consider if there are any other material considerations that have changed since approval for a mast in this location was last granted. Consultation responses do not present an impediment to the granting of planning permission and, while recognising the various objections submitted, this development will not have a materially greater impact on residential amenity, the Clyde Muirshiel Regional Park or enjoyment of the area than would the previously approved masts. I further note that Historic Scotland offers no objection with reference to any impact on the setting of any existing known antiquity and any, as yet to be discovered features may be protected by condition. Scottish Government guidance is that planning conditions should not seek to cover all eventualities, accordingly I do not consider the lodging of a bond to cover the removal of the mast at the end of the consent period as appropriate.

Overall, I am satisfied that circumstances have not changed sufficiently since the previous planning approvals of a meteorological mast on this site to suggest that planning permission should not be granted.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The mast and all associated equipment shall be removed 3 years from the date of this permission (or immediately upon the development becoming redundant if earlier) and all reinstatement on a like-for-like basis shall be completed within a further two months.
2. That bird diverters shall be fixed to the guy lines upon erection of the mast, to the satisfaction of the Planning Authority in consultation Scottish Natural Heritage and that they be checked every 6 months to ensure that they remain effective for the period of operation.
3. That construction works shall take place outwith the main bird breeding season (i.e., outwith April to July inclusive). If this is not possible an ornithologist shall be engaged to survey the ground prior to such works to advise of any bird nesting activity and a report shall be submitted to and approved in writing by the Planning Authority prior to the commencement of work.
4. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant and approved by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority in writing not less than 14 days before development commences.
5. 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, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas.

Reasons

1. In view of the stated temporary nature of the development and to secure satisfactory reinstatement.
2. In the interests of ecology.
3. In the interests of ecology.
4. In the interests of antiquity.
5. To control runoff from the site to reduce the risk of flooding.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's supporting information.
3. Inverclyde Local Plan.
4. Proposed Inverclyde Local Development Plan.
5. Consultation responses.
6. Representations.
7. Planning permissions IC/02/281 and IC/05/052.



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|-----------------------------|--|--------------------|--|
| Report To: | The Planning Board | Date: | 4th September 2013 |
| Report By: | Head of Regeneration and Planning | Report No: | 13/0178/IC Plan 09/13 |
| | | | Local Application Development |
| Contact Officer: | Guy Phillips | Contact No: | 01475 712422 |
| Subject: | Alteration and extension to existing primary school, formation of new teaching facilities and gymnasium / assembly hall, and the provision of external play surfaces (MUGA) at Ardgowan Primary School, Newton Street, Greenock | | |

SITE DESCRIPTION

Ardgowan Primary School is located on Newton Street and is within the Greenock West End Conservation Area. Dating from the early 20th century and built over 3 storeys, it is finished in red sandstone with a natural slate roof. The site is approximately 2.5m below street level at Newton Street, the drop being protected by railings along the heel of the footpath. Entrances to the building are at street level on the side elevations, each accessed by bridges extending from the heel of the footpath.



The school playground is to the rear and is accessed by stairs from the building entrances. The playground slopes down from the rear of the school building to the rear garden boundaries of houses and flats on Finnart Street, defined by approximately 1m high brick walling extended by 5m

high ball stop fencing. Within the playground is a temporary classroom building set back approximately 3m from the rear boundary of the houses on Campbell Street and approximately 2m from the rear gardens of houses on Finnart Street. To the west the site is bound by the rear parking court of a three storey block of flats at the junction of Newton Street and by the rear gardens of two semi-detached houses. To the east is a three storey, flatted building. Facing the school across Newton Street is a mix of two storey houses and flats.

PROPOSAL

The rear, north-west corner of the three storey building, extending to approximately 84 square metres, and the temporary classroom in the rear playground are both to be removed. These accommodate offices, toilets, relaxation and music rooms, stores and a staff room.

It is proposed to re-construct in this part of the site, extending the building footprint to within 2m and 6m of the rear garden boundaries of houses on Campbell Street and Finnart Street respectively. This will accommodate at lower ground floor a gymnasium, associated changing facilities, storage, toilets and plant room, at street level service, storage, toilet and reception and at upper floor level a meeting room, storage, service and toilet accommodation. Externally, the proposed wall finish is a terracotta tile cladding system, similar in hues to the reds of the existing sandstone. Roofs are monopitch with an aluminium standing seam finish.

Alterations are also proposed to the rear playground. At its north-east corner and contained by a 5m high mesh fence, is an approximately 120 square metre multi use games area (MUGA). Along the boundary with the rear gardens of the Finnart Street properties it is proposed to erect a 3m high anti-climb wire mesh fence and low hedging to replace the existing ball stop fence. On the side boundaries existing brick walling and ball stop fencing is to be retained and refurbished. Also proposed within the playground are a growing garden, raised social space, performance stage, a short running track and seating. There are flexible membrane canopies over the social space and performance stage. A bin store is proposed at the main entrance from Newton Street.

In support of the application a bat survey has been submitted with the planning application concluding that the main school building has a low bat roost potential and that the temporary classroom has negligible bat roost potential.

DEVELOPMENT PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy HR1 - Designated Environmental Resources and Built Heritage

Development that would adversely affect, directly or indirectly, the natural or built heritage resources listed in Schedule 9.1 and where indicated, on the Proposals Map, will not normally be permitted.

Having regard to the designation of the environmental resource and built heritage, exceptions will only be made where:

- (a) Sites of Special Scientific Interest (SSSI) will not be compromised;
- (b) visual amenity and townscape will not be compromised;
- (c) no other site, identified in the Local Plan as suitable, is available;
- (d) the social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource;

- (e) the developer has demonstrated that the impact of the development on the environment will be minimised; and
- (f) the loss can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this.

Local Plan Policy HR11 - Development Within and Adjacent to Conservation Areas

Development proposals both within and adjacent to conservation areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and the following matters are satisfactorily addressed, as appropriate:

- (a) siting and orientation of new buildings;
- (b) overall design and style;
- (c) scale of building, extension or alteration;
- (d) design details;
- (e) finishing materials; and
- (f) landscaping and boundary materials.

Local Plan Policy HR12 - Impact of Development Within Conservation Areas

When assessing Conservation Area development proposals (both within and adjacent to it) consideration will be given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and vantage points accessible to the public.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

CONSULTATIONS

Head of Environmental and Commercial Services - No objections, however no off road parking for staff or provision for buses has been provided.

Network Rail - No objections.

Head of Safer and Inclusive Communities - No objections subject to conditions to control potential ground contamination and noise from the Multi Use Games Area and advisory notes on

waste storage, external lighting, construction noise, CDM Regulations, food safety and health and safety.

PUBLICITY

The application was advertised in the Greenock Telegraph as a development affecting a conservation area.

SITE NOTICES

A site notice was posted as a development affecting a conservation area.

PUBLIC PARTICIPATION

Written representations have been received from two neighbours, expressing concern that:

- There is currently anti-social behaviour in the rear playground when the school is closed.
- The proposed boundary fencing is lower than that existing, decreasing security and creating potential for increased nuisance for neighbours.
- Construction works may cause subsidence in neighbouring properties.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Plan, the proposed Local Development Plan, Historic Scotland's Scottish Historic Environment Policy and Managing Change in the Historic Environment guidance note, the consultation responses and the written representations.

Policy H1 of the Local Plan and policy RES1 of the proposed Local Development Plan combine to seek to safeguard residential amenity and character. Potential impacts upon residential amenity and character arise from the scale and design of the proposed extension, shading, boundary treatment and the hours of use of the proposed MUGA.



I consider that the approximately 7.7m high gymnasium has the greatest potential to impact upon neighbours. It is, however, subservient to the existing school building and the location in the rear playground limits the potential impact is greatest on the rear gardens of the two adjoining semi-detached houses on Campbell Street and two properties on Finnart Street. The extension itself is of modern design, however, I consider its overall form and finishes to have an acceptable impact on neighbours, using colours to blend. The proposed fencing regime around the playground and

MUGA is, I consider, an improvement upon the appearance of the existing ball stop fencing which is in poor condition. It is designed to be difficult to climb, thus assisting in preventing unauthorised access into adjoining gardens identified by neighbours as being of concern. Additionally, CCTV coverage is to be provided to monitor the use of the playground and MUGA and as a result of the proposed extension there shall no longer be two routes in an out of the play ground from Newton Street. The remaining access is gated and lockable, as is the MUGA. I am, therefore, satisfied that use of the playground and MUGA outwith school hours can be managed and satisfactorily addresses the security and privacy concerns raised by objectors. I also am in agreement with the Head of Safer & Inclusive Communities who recommends that the hours of operation of the MUGA should be limited by condition to prevent noise nuisance to neighbours.



Moving on from the impact on immediate neighbours, the wider issues of townscape and impact on the Greenock West End Conservation Area require to be considered with reference to Local Plan policies HR1, HR11 and HR12 and proposed Local Development Plan policy HER1; these policies combine to seek to protect townscape within the Conservation Area by ensuring that development is sympathetic to its character, pattern of development and appearance with particular reference to views from adjacent transport routes and public vantage points. The proposal also requires to be assessed against Historic Scotland's Scottish Historic Environment Policy and Managing Change in the Historic Environment guidance note; these advise that the protection of the historic environment is not about preventing change. Change should be managed intelligently and with understanding.

Extensions must protect the character and appearance of the building, be of subordinate scale and form located on a secondary elevation and designed in a high-quality manner using appropriate materials. As the site is below street level on Newton Street, the impact on townscape and public views of the ground level of the extension, incorporating the rear gymnasium, are significantly reduced. Impact is further reduced by the upper levels of the extension being set back from the street frontage. The extension is a partial replacement of the existing building, further reducing the overall impact of scale and massing. While the proposed design of this subordinate extension is clearly identifiable as modern, I consider its form adds quality to the existing school by placing an increased and improved emphasis upon its main entrance on the west (side) elevation. The choice of a terracotta tiled walled finish is complementary to the red sandstone of the existing building. I consider the extension to be sympathetic to the traditional design of the school and surrounding townscape and that the impact upon the Conservation Area is positive.

Overall, I consider that the proposal safeguards residential amenity and character in accordance with Local Plan Policy H1 and proposed Local development Plan Policy RES1, and protects

townscape within the Greenock West End Conservation Area in accordance with Local Plan Policies HR1, HR11 and HR12 and proposed Local Development Plan Policy HER1.

The consultation responses present no impediment to development; there are no objections from Network Rail regarding impact on the railway tunnel below Newton Street, the Head of Environmental & Commercial Services while highlighting that that as present off-street parking provision for staff and buses cannot be accommodated, does not object on road safety grounds.

While I note representations submitted on methods of construction and potential subsidence, these are not matters material to the determination of the planning application.

RECOMMENDATION

That the application be granted subject to the following conditions:

Conditions

1. The presence of any ground contamination that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential remediation work shall not be implemented unless a report has been submitted to and approved, in writing, by the Planning Authority.
2. 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.
3. The use of the Multi Use Games Area (MUGA) is limited to between 9am and 9pm daily.
4. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials, unless the Planning Authority gives its prior written approval to any alternatives.
5. The CCTV cameras shall be positioned to restrict their line of sight to within the grounds of the school only.

Reasons

1. To ensure that all contamination issues are recorded and dealt with appropriately.
2. To protect receptors from the harmful effects of imported contamination.
3. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.
4. To ensure a continuity of materials in this part of the Greenock West End Conservation Area.
5. To protect the privacy of adjacent property.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Plan
3. Proposed Inverclyde Local Development Plan
4. Historic Scotland's Scottish Historic environment Policy
5. Historic Scotland's Managing Change In The Historic Environment
6. Consultation responses
7. Written representations



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| Report To: | The Planning Board | Date: | 4th September 2013 |
| Report By: | Head of Regeneration and Planning | Report No: | 13/0203/IC Plan 09/13 |
| | | | Local Application Development |
| Contact Officer: | Guy Phillips | Contact No: | 01475 712422 |
| Subject: | Change of use of footway to outdoor seating area together with the installation of an external awning at Cafe Balfe, 118 West Blackhall Street, Greenock | | |

SITE DESCRIPTION

Cafe Balfe is on the ground floor of a three storey building on West Blackhall Street, within Greenock Town Centre. There are residential flats above the cafe. Jamaica Street meets West Blackhall Street in a T junction opposite the site. The pavement along the cafe frontage is approximately 4.1m wide.



PROPOSAL

It is proposed to form a pavement seating area extending to 10 square metres (2m x 5m) and capable of accommodating 3 tables and 12 chairs. Above the seating area, it is proposed to provide a 4m long awning, projecting 1 metre from the building. A 2.1metre wide clearway remains for pedestrians' use between the seating area and carriageway on West Blackhall Street

DEVELOPMENT PLAN POLICIES

Local Plan Policy R1- Designated Centres

The following Centres are designated:

1. Town Centres, as defined on the Proposals Map:

- (a) Greenock, subdivided into a 'Central Shopping Area' and 'Outer Mixed/Commercial Area';
- (b) Port Glasgow;
- (c) Gourock; and

2. Local Centres, as defined or indicated on the Proposals Map:

- (a) Kilmacolm (defined);
- (b) Dubbs Road, Port Glasgow (defined);
- (c) Sinclair Street, Greenock;
- (d) Belville Street, Greenock;
- (e) Lynedoch Street, Greenock;
- (f) Barrs Cottage (Inverkip Road/ Dunlop Street), Greenock;
- (g) Ravenscraig (Cumberland Walk), Greenock;
- (h) Cardwell Road, Gourock (defined);
- (i) Main Street, Inverkip;
- (j) Ardgowan Road, Wemyss Bay;
- (k) By Station/Pier, Wemyss Bay.

Inverclyde Council, as Planning Authority, will seek to assist urban regeneration and sustainable travel patterns. This will be achieved by encouraging each Centre to serve its own retail and service catchments without detriment to other Centres and to the overall roles of Greenock, Port Glasgow and Gourock as the principal Centres serving the Authority.

Local Plan Policy R2 - Support for Designated Centres

The designated Centres identified in Policy R1 will be protected, enhanced and developed, where resources allow, through a range of initiatives aimed at achieving the following:

- (a) encouraging a diversity of retail, leisure, civic, public administration, office, residential and other uses, of the type which the Council, as Planning Authority, considers to be appropriate to the development of the individual Centres, in order to support their vitality and viability, particularly through mixed use developments and through the use of upper floors of commercial premises;
- (b) identifying and promoting opportunities for new development and for the redevelopment and reuse of existing premises, both within and on the edge of the defined Centres;
- (c) improving the quality of the urban environment through implementing programmes for the improvement of individual properties, the streetscape and open spaces;
- (d) improving accessibility and integration of services by bus, train, ferry and taxi;
- (e) improving accessibility for pedestrians and cyclists through the provision of safe and convenient facilities and routes both into and within the town centres;
- (f) managing provision of freight access and of car, motorcycle and cycle parking for residents, visitors, workers and shoppers in accordance with an approved strategy;

- (g) managing traffic flows to minimise congestion and pollution and to give priority to the disabled, pedestrians, cyclists, public transport and service vehicles; and
- (h) developing Town Centre Action Plans in partnership with other agencies.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

PPAN12 "Shopfront Design" applies.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock
- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

PAAN 11 "Shopfront Design" also applies to the proposal.

CONSULTATIONS

Head of Environmental and Commercial Services - No objections subject to there being a minimum height clearance of 2.25 metre between the awning and the pavement.

Head of Safer and Inclusive Communities - No objections subject to conditions limiting the hours of operation and prohibiting amplified music. An advisory note is suggested on CDM Regulations.

PUBLICITY

The application was advertised in the Greenock Telegraph as a Schedule 3 (bad neighbour) development.

SITE NOTICES

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

PUBLIC PARTICIPATION

No written representations have been received.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Plan, the proposed Local Development Plan, the Council's PPAN 12 and PAAN 11, each entitled "Shopfront Design", and the consultation responses.

Policies R1 and R2 of the Local Plan and Policy TCR1 of the proposed Local Development Plan combine to protect, enhance and develop Greenock Town Centre, encourage a diversity of uses and improve vitality and viability.



I consider that the proposal adds interest, activity and diversity to West Blackhall Street, augmenting the Town Centre's viability, and in accordance with policies R1, R2 and TCR1.

The Council's PPAN 12 and PAAN 11 combine to support the re-introduction of traditional shop awnings. Awnings should be recessed at the bottom of the shop fascia and coloured to match the shopfront. In this instance, the roller awning is mounted on brackets immediately below the fascia. It is coloured black to match the café's frontage. While further detail is required on the method of affixing the awning to the shopfront, I am satisfied that this can be addressed by condition that will ensure accordance with the Council's design guidance. In such circumstances Policy DC1 of the Local Plan presumes in favour of planning permission being granted.

Considering the consultation responses, there are no objections to the proposal from the Head of Environmental and Commercial Services on road safety grounds. The pavement is of a sufficient depth to allow the placement of tables and chairs and allow pedestrians to walk in safety, and the submitted plans demonstrate that the 2.25m minimum height of the awning above the pavement requirement is met. As there are flats above the cafe, I am in agreement with the Head of Safer and Inclusive Communities in recommending that a restriction on the hours of operation of the pavement seating area is necessary to protect residents from consequential late night noise. I further agree that the playing of amplified music outside the cafe should be prohibited.

Overall, I consider the proposal merits support.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The outdoor area shall only be used between the hours of 11am and 8pm daily.
2. No amplified music shall be audible outside the building.
3. No development shall commence until a detailed section of the shopfront, confirming the method of affixing the awning, hereby approved, has been submitted to and approved in writing by the Planning Authority.

Reasons

1. To protect the amenity of nearby residents from noise associated with the use as an outdoor seating area.
2. To protect the amenity of nearby residents from noise and vibration associated with the use as an outdoor seating area.
3. To ensure that the awning is recessed in accordance with the design guidance in the Council's PPAN 12 and PAAN11.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and Plans.
2. Inverclyde Local Plan
3. Proposed Inverclyde Local Development Plan
4. Consultation responses.



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AGENDAS AND ALL NON-CONFIDENTIAL PAPERS TO:

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| Community Councils | 10 |
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