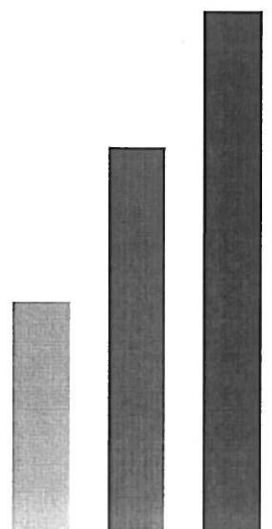


Agenda 2014

Planning Board

For meeting on:

5	February	2014
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A meeting of the Planning Board will be held on Wednesday 5 February 2014 at 3pm within the Municipal Buildings, Greenock.

ELAINE PATERSON
Head of Legal and Democratic Services

BUSINESS

1. **Apologies, Substitutions and Declarations of Interest**
2. **Planning Applications**
Reports by Head of Regeneration & Planning on applications for planning permission as follows:-
 - (a) **Bett Homes Ltd**
Erection of 23 residential dwellings consisting of eleven two storey terraced houses and twelve apartments in one single three storey block and ancillary works:
Malin Grove, Harbourside, Inverkip (13/0263/IC)
 - (b) **Scottish Courts Service**
Installation of access ramp to front of building:
Court House, 1 Nelson Street, Greenock (13/0315/IC)
 - (c) **Scottish Courts Service**
Installation of access ramp to front of building:
Court House, 1 Nelson Street, Greenock (13/0036/LB)
 - (d) **Hungry Horse**
Erection of a restaurant/pub with associated staff accommodation, parking, landscaping, access and servicing:
Victoria and East India Harbours, Rue End Street, Greenock (13/0358/IC)
 - (e) **St Columba's School**
Refurbishment and partial demolition of an existing residential property to provide teaching support accommodation and construction of new build single storey extension containing teaching spaces and support spaces, refurbishment and re-cladding of the school's existing science block and landscaping works around existing buildings and new extension:
St Columba's School, Duchal Road, Kilmacolm (13/0331/IC)

3. **Planning Appeals**

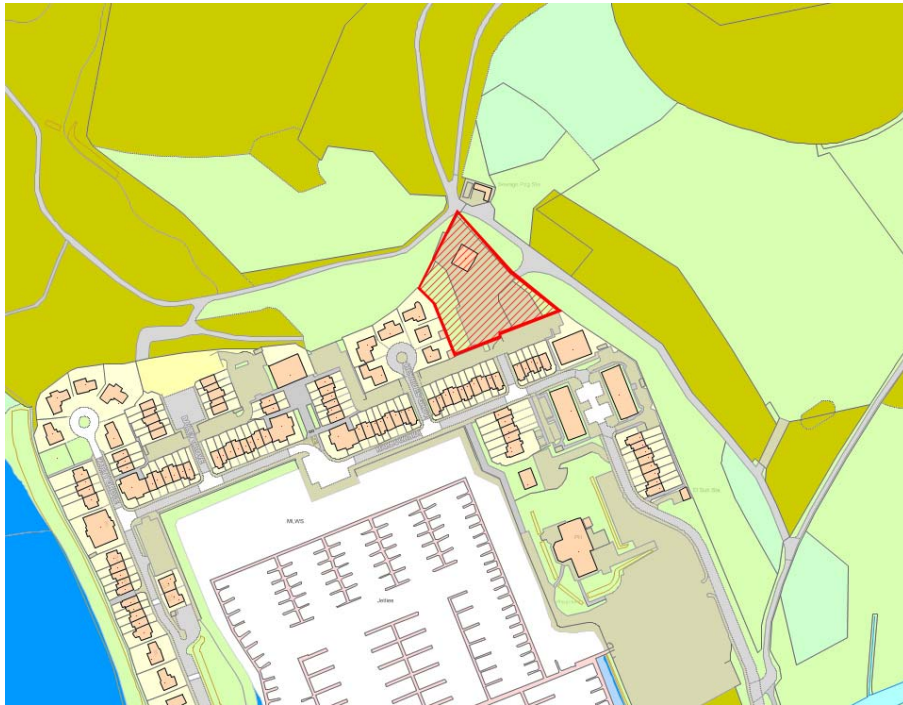
- (a) Report by Head of Regeneration & Planning intimating the notification of a planning appeal at land off Lithgow Way, Port Glasgow (13/0035/IC)
- (b) Report by Head of Regeneration & Planning intimating the outcome of a planning appeal at Kelly Mains Farm, Kelly Road, Wemyss Bay (13/0077/IC)

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

Report To:	The Planning Board	Date:	5 February 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0263/IC Plan 02/14 Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Erection of 23 residential dwellings consisting of eleven no. two storey terraced houses and twelve no. apartments in one single three storey block, and ancillary works at Malin Grove, Harbourside, Inverkip		

SITE DESCRIPTION

The application site is the one remaining undeveloped cul-de-sac within the residential development at Kip Marina. Located at the north-east corner of the site, it is presently used as the site compound. It is bound to the north by Ardgowan Estate, to the south-west by detached dwellings within Hebrides Grove and to the south-east by parking courts associated with townhouses and flatted apartments fronting onto Harbourside.



PROPOSAL

The applicant proposes to amend the approved layout within this part of Harbourside from detached dwellinghouses approved under planning permission IC/00/139 to 23 units, consisting of 11 two storey terraced houses and 12 flatted apartments in one three storey block.

Recent experience leads the applicant to conclude that large detached houses are not presently marketable, consequently without a change the site will be likely to remain undeveloped for a considerable period of time. Elsewhere within the wider Harbourside development townhouses and flatted dwellings are presently being marketed successfully and permission is therefore sought to remix the proposed development to include smaller residential units.

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 H8 - The Character and Amenity of Residential Areas

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;
- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;
- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

Local Plan Policy H5 - Housing Development Opportunities

Inverclyde Council, as Planning Authority, will support and encourage residential development on the sites, indicative locations and 'New Neighbourhoods' included in Schedule 7.1 and indicated on the Proposals Map.

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.

Planning Practice Advice Note No.3 "Private and Public Open Space Provision in New Residential Development" applies.

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 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.

Planning Application Advice Note No.3 "Private and Public Open Space Provision in New Residential Development" applies.

CONSULTATIONS

Scottish Water - Assessment is required of the impact of this development on the existing infrastructure. The water and wastewater networks may have to be improved to ensure there is no loss of service to existing customers.

Head of Environmental and Commercial Services - There should be 1 space per dwelling located outwith the road boundary. All parking spaces on the road are unacceptable as obstructive parking will occur in front of the terraces making the spaces on the opposite side of the road difficult to access. The development should also be served by a 2 metre wide footway with lighting.

Head of Safer and Inclusive Communities - No objection, subject to conditions in respect of Japanese Knotweed, contaminated land, waste storage containers and controls on external lighting. Advisory notes are suggested in respect of times and methods of working to minimise noise disruption from the site, site drainage and gull control.

Transport Scotland - No objection subject to the condition that no works may commence on site until the outstanding remedial works at the trunk road junction and trunk road footbridge (currently under discussion between the applicant and Transport Scotland) are completed to the satisfaction of the Trunk Road Authority.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

8 objections, 1 letter of support and 1 neutral representation have been received. The points of objection may be summarised as follows:

Traffic related issues

- Malin Grove will not be able to cope with the additional traffic.
- The road geometry at the entry point to Malin Grove is substandard.
- The walls at the entry point to Malin Grove are too high and the increase in traffic levels this proposal would adversely impact on traffic safety.

- The increased traffic raises the potential for accidents at the nearest "blind" right angles corner on Harbourside.
- The site cannot accommodate the level of parking required.
- Connection to the A78 will become more dangerous.
- Transport assessment and travel plans should be provided.
- Access to the site should be taken from the construction road and not through Harbourside.

General infrastructure related issues

- No lighting is shown on the plans.
- Concerns about sewer issues.
- No details of SUDS.

Amenity

- The proposal is not in keeping with the lower density residential development.
- The plans should not be allowed to be changed as neighbours bought their properties in the expectation of a level of neighbouring amenity.
- The proposed dwellings are not in keeping with those existing in the vicinity.
- The existing trees within the site should be protected.
- The proposed fencing is not in keeping with the rest of the development.
- Development of the site has been slow and this would further delay eventual completion.
- The proposed house mix will "de-value" the development.

The one letter of support hopes that construction work will be completed more quickly than on previous phases.

A further letter queried if Malin Grove or the boundary walls at the entrance to it would be altered and if a dead tree would be removed.

ASSESSMENT

The material considerations in determination of this application are the Local Plan, the proposed Local Development Plan, the Scottish Government's Policy Statement for Scotland: Designing Streets, the consultation replies and the representations.

As the proposal is for residential development within an area identified under Policy H1 of the Local Plan as residential in nature, it is acceptable in principle. Furthermore, the application site is within an area specifically identified for residential development within the schedules associated with Policy H5 of the Local Plan and Policy RES3 of the Local Development Plan. The developer is seeking to change the housing mix whilst still ensuring that there will be a clear architectural link to the remainder of the development through consistency of design and material finishes. Through assessment of the plans I am satisfied that, in general terms, this will be achieved.

Nevertheless, further assessment is required against the relevant criteria of Policy H8 to determine whether or not the details of the proposal are acceptable. I can comment on each of the criteria as follows:

- (a) Compatibility with the character and amenity of an area in terms of land use, density, design and materials used. There is little variation from the previous approval or developments in the vicinity with respect to land use, design and materials, although the density represents an increase on the previous proposal. When considered in the context of the wider Harbourside development, the proposed density is characteristic. There are several examples of flatted blocks, some at a higher density than is proposed. Furthermore within Harbourside the original housing mix has been varied. Bailey Grove, for example, consists wholly of townhouses although the original permission envisaged the development of

detached villas. The proposed terraced blocks are at no greater density than the existing blocks of townhouses.

- (b) Visual impact of the development on the site and its surroundings. The proposed development has been set out in such a way as to minimize the visual impact on the existing neighbouring properties, with the lower level terraces concentrated adjacent to existing developments and the flatted block located at the northernmost part of the site, distant from existing dwellings. The flatted block forms an end stop on Malin Grove, in the same way that flatted blocks have been used on Harbourside and at Harbour Square. I consider that the visual impact will be acceptable on this basis.



- (c) Landscaping proposals. The proposed landscaping is satisfactory in principle. Details of implementation may be addressed by condition on a grant of planning permission.
- (d) Open space proposals. The proposed layout meets the requirements of PPAN3 and PAAN3 with the exception of plot 505 with respect to garden depth. A compensatory larger side/rear garden area is provided and there is to be no development to the rear of the plot. On this basis I consider that the proposal is acceptable. I also note that proposals according with PPAN3 are supported by policy DC1 of the Local Plan.
- (e) Proposals for the retention of existing landscape or townscape features of value on the site. There are no features of value.
- (f) Assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety. The Head of Environmental and Commercial Services is satisfied that an adequate number of parking spaces have been provided as the level of provision was revised upwards during processing of the application. Concern is expressed about the position of some of the spaces, especially those located within the public road and not located to the front of houses. It is feared that the absence of parking spaces to the front of plots 506-511 will lead to obstructive parallel parking on the road. Whilst I note these concerns a balance has to be struck between an engineered layout and a development which is aesthetically pleasing. Indeed the Scottish Government advisory document "Designing Streets" indicates that "creating good streets is not principally about creating successful traffic movement: it is about creating successful places". I consider that the proposed layout achieves this, in accord with criterion (d) of Policy RES1 of the proposed Local Development Plan. Furthermore, as this development is a cul-de-sac with no through traffic I consider that concerns over on-street parking carry less weight than

would be the case with a through route. There is considerable passive supervision of the parking spaces from the overlooking flats which adds to the sense of security for residents. This increases the likelihood that the parking spaces will be used. The road geometry complies with the Roads Development Guide.

- (g) Provision of adequate services. Servicing of the site will be completed by the applicant. I note that the applicant will have to liaise with Scottish Water to ensure that there is capacity for the proposed development.
- (h) Accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas. Access for bus operators is not required.

In view of the above assessment I conclude that the proposal accords with policy H1 of the Local Plan and, it follows, with Policy RES1 of the Local Development Plan. Notwithstanding compliance with policy it remains to be determined if there are any material considerations which suggest that planning permission should not be granted.

With respect to the consultation responses not yet addressed, the remaining concerns in respect of Japanese Knotweed, site contamination, waste storage containers, external lighting and trunk road remedial works may be the subject of conditions on a grant of planning permission. Turning to the points of objection, Transport Scotland has not expressed concerns over connection to the A78. The level of development proposed does not require to be the subject of a transport assessment or a travel plan. The applicant has confirmed that the construction route will not be via the existing Harbourside road but will be taken through the existing haul route through neighbouring ground. The issue of lighting will be addressed through the subsequent roads construction consent application whilst it is a standard conditional requirement of planning permission that SUDS be used to address surface water discharge.

On issues of aesthetics, as this is a site which has long been identified for development, which includes the clearing of all vegetation, it would be inappropriate to now seek retention of the remaining trees within the site. The proposed fencing style has been changed since the application was originally submitted and now accords with that in the rest of the development.

It is appreciated that development of the site has been slow, which has been dictated in part by economic conditions. By marketing dwellings that there is more confidence in selling, however, this will help to bring development of the wider marina area to a close. How the proposal will impact on the valuation of existing properties is not a material planning consideration.

I therefore find no material considerations suggesting that planning permission should not be granted and therefore consider that planning permission should be granted subject to conditions.

RECOMMENDATION

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

Conditions

1. Notwithstanding the provisions of Classes 1A-4A of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, Classes 6C to 6H of the Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Order 2009, as amended, and Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, an application for planning permission will be required in respect of

- 1) the enlargement, improvement or other alteration of a dwellinghouse

- 2) the provision within the curtilage of a dwellinghouse, of any building or enclosure, swimming or other pool required for purposes incidental to the enjoyment of the dwellinghouse, or alteration of such a building or enclosure
- 3) the erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil or liquid petroleum gas
- 4) the installation or alteration of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse
- 5) the erection, construction or alteration of a gate, fence, wall or other means of enclosure
- 6) the painting of the exterior of any building or works, and
- 7) the installation or alteration on any building or other structure other than a dwellinghouse, of a microwave antenna and any structure intended for the support of a microwave antenna.

2. That full details of external finishes and colours shall be submitted to and approved in writing by the Head of Regeneration and Planning before these materials are used. Development thereafter shall be implemented in accordance with the approved details unless alternatives are agreed in writing.
3. That the footways, the road and the parking and manoeuvring areas shall be completed to final wearing course prior to occupation of the last of the dwellings hereby permitted.
4. 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.
5. 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.
6. That the development shall not commence until an environmental investigation and risk assessment, 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.
7. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing, by the Planning Authority, 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.
8. 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.
9. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill or landscaping material imported onto the site. This report shall contain information of the

materials source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.

10. That the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes in place.
11. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
12. That any of the trees, bushes or other areas of planting hereby approved which die, are removed, damaged or become diseased within 5 years of planting shall be replaced within the following year with others of a similar size and species.
13. That no works may commence on site until the outstanding remedial works at the trunk road junction and trunk road footbridge (to be agreed between the applicant and Transport Scotland) are completed to the satisfaction of the Trunk Road Authority.

Reasons

1. To enable the Head of Regeneration and Planning to retain control over works otherwise permitted thereby ensuring the setting of the landscape of Ardgowan House, the marina and rural environment in general is protected from unsympathetic development.
2. To ensure continuity in finishes.
3. To ensure the provision of adequate walking, parking and manoeuvring areas.
4. To control runoff from the site to reduce the risk of flooding.
5. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
6. To satisfactorily address potential contamination issues in the interests of environmental safety.
7. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.
8. To ensure that all contamination issues are recorded and dealt with appropriately.
9. To protect receptors from the harmful effects of imported contamination.
10. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
11. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
12. To ensure retention of the approved landscaping scheme in the interests of visual amenity.
13. To ensure essential remedial works are undertaken.

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 replies.
5. Representations.



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Report To:	The Planning Board	Date:	5 February 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0315/IC Plan 02/14
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Installation of access ramp to front of building at Court House, 1 Nelson Street, Greenock		

SITE DESCRIPTION

Greenock Sherriff Court is a Grade B listed Victorian building on the south-east side of Nelson Street and within the Greenock West End Conservation Area. An approximately 4.5m deep area of formal landscaping intervenes between the building's front elevation and low walling, decorative metal railings, stone gate piers and decorative metal gates which combine to form the boundary with Nelson Street. Five steps lead from the landscaped frontage to the decorative stone, main entrance which contains outer panelled timber storm doors with a curved deadlight above and inner half glazed timber doors.



PROPOSAL

It is proposed to form an approximately 11m long disabled access ramp through the formal landscaped frontage to the court's front access steps. It incorporates 900mm high, protective steel

railings with uprights at 100mm centres. The ramp extends across approximately 50% of the frontage of the building. It is further proposed to automate and replace the inner entrance doors.

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; and
- (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 R5 - Greenock Town Centre: Outer Mixed/Commercial Area

Inverclyde Council, as Planning Authority, will seek to protect the character, both existing and potential, of the different divisions of the Outer Mixed/Commercial Area of Greenock Town Centre, as defined on the Proposals Map and below. In addition to development in keeping with the existing character of the area, the following town centre uses will also be permitted in the identified divisions (G) to (L)

- (G) CLARENCE STREET MIXED-USE AREA:
Use Class 2 (Financial, Professional and Other Services);
Use Class 3 (Food and Drink);
Use Class 10 (Community Uses);
Use Class 11 (Assembly and Leisure); and
Related uses, including public house, hot food take away or taxi office, and the sale of motor vehicles.
- (H) WEST END OFFICE AND CIVIC AREA and
- (I) SIR MICHAEL STREET/KING STREET RESIDENTIAL AREA
Use Class 2 (Financial, Professional and Other Services);
Use Class 10 (Community Uses); and
Use Class 11 (Assembly and Leisure).
- (J) DELLINGBURN STREET/RUE END STREET
Area fully developed for Class 1 Use (Shops).
No further opportunities. Intensification of current retail use would not be appropriate.
- (K) THE HARBOURS AREA *
Use Class 9 (Residential Flats)
Use Classes 1, 10 or 11, where related or ancillary to tourism or to maritime-based leisure or commercial enterprises;
Use Class 2 (Financial, Professional and Other Services);
Use Class 3 (Food and Drink); and
Use as a public house.
- (L) WATERFRONT: EDUCATION AND LEISURE AREA
Use Class 8 (Residential Institutions), if halls of residence associated with James Watt College;
Use Class 10 (Community Uses); and
Use Class 11 (Assembly and Leisure).

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 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 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

Policy TCR5 - Outer Area of Greenock Town Centre

Proposals for development in the five divisions of the Outer Area of Greenock Town Centre, as defined on the Proposals Map and below, should have regard to their respective roles, functions, character and amenity. The following uses will be encouraged and supported, subject to there being no adverse impact upon the amenity of the area:

A - WEST END (Civic, Office and Residential)

- Use Class 2 (Financial, professional and other services)

- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

B - CLARENCE STREET AREA (Mixed Use)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 11 (Assembly and leisure)

C - WATERFRONT (Education and Leisure)

- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 7 (Hotels and hostels)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)
- Use Class 11 (Assembly and leisure)

D - KING STREET AREA (Business and Residential)

- Use Class 2 (Financial, professional and other services)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

E - ROXBURGH STREET AREA (Business and Community)

- Use Class 2 (Financial, professional and other services)
- Use Class 3 (Food and drink)
- Use Class 4 (Business)
- Use Class 8 (Residential institutions)
- Use Class 10 (Non-residential institutions)

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.

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

Historic Scotland - Historic Scotland were consulted on an application for listed building consent for the proposed ramp, submitted along with the planning application, and offered no objections.

PUBLICITY

The application was advertised as a development affecting a listed building.

SITE NOTICES

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

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, Historic Scotland's Scottish Historic Environment Policy and Managing Change in the Historic Environment design guidance series, and the consultation response.

Town Centre Policies R1, R2 and R5 of the Local Plan and Policies TCR1 and TCR5 of the proposed Local Development Plan combine to locate the site within the Outer Area of Greenock Town Centre. They provide no guidance in the assessment of this application.



Of relevance are Policies HR11 and HR14 of the Local Plan and Policies HER1 and HER4 of the proposed Local Development Plan, which combine to locate the Grade B listed building within the Greenock West End Conservation Area. Development proposals are required to respect the pattern of development and character of the Conservation Area, respect the reasons for the building being listed, be of a high standard and be approved only where they do not adversely affect the special interest of the building; all with reference to Historic Scotland's Scottish Historic Environment Policy and the Managing Change in the Historic Environment design guidance series.

Scottish Historic Environment Policy advises that protecting the historic environment is not about preventing change. Change should be managed intelligently and with understanding. The

Managing Change in the Historic Environment design guidance series advises that boundary treatments form important elements in defining the character of historic buildings and conservation areas. It is important to protect the visual importance of the boundary treatment and the contribution that it makes to the overall setting of the building. In this instance the frontage is formal and clearly defined by the low wall and decorative railings and is devoid of visual clutter. The proposed ramp extends across approximately 50% of the frontage of the listed building, and will significantly impact upon the visual balance that exists between the historical site boundary and the building, presenting a dominant intrusion. While not affixed to the existing walling and railings, I am concerned that the 11m long ramp and associated protective metal barriers shall interrupt and degrade views of the formal frontage to one of Greenock's most historic buildings. Consequently, in this instance, I do not agree with Historic Scotland's position.

I have requested that the applicant provide a discrete wheelchair lift as an alternative to the proposed ramp, but am advised that management considerations render this option unacceptable and that their preference is to have the application determined as submitted. While acknowledging the applicant's management concerns, I consider that these are significantly outweighed by the adverse impact of the proposed ramp on the Grade B listed building's frontage and its setting within the Greenock West End Conservation Area.

Moving on to the proposed automation and replacement of the inner entrance doors, I note that these doors are not original to the listed building and am thus satisfied that replacement is an acceptable option.

Overall, however, I do not consider that the proposal merits support.

RECOMMENDATION

That the application be refused for the following reason:

The design and location of the proposed ramp and associated protective barriers shall adversely affect the frontage of the Grade B listed Sheriff Court and be to the detriment of the pattern of development and character of this part of the Greenock West End Conservation Area, contrary to policies HR11 and HR14 of the Local Plan and policies HER1 and HER4 of the proposed Local Development Plan.

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 reply.
5. Historic Scotland's Scottish Historic Environment Policy and Managing Change in the Historic Environment design guidance series.



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Report To:	The Planning Board	Date:	5 February 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0036/LB Plan 02/14
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Installation of access ramp to front of building at Court House, 1 Nelson Street, Greenock		

SITE DESCRIPTION

Greenock Sherriff Court is a Grade B listed Victorian building on the south-east side of Nelson Street and within the Greenock West End Conservation Area. An approximately 4.5m deep area of formal landscaping intervenes between the building's front elevation and low walling, decorative metal railings, stone gate piers and decorative metal gates which combine to form the boundary with Nelson Street. Five steps lead from the landscaped frontage to the decorative stone, main entrance which contains outer panelled timber storm doors with a curved deadlight above and inner half glazed timber doors.



PROPOSAL

It is proposed to form an approximately 11m long disabled access ramp through the formal landscaped frontage to the court's front access steps. It incorporates 900mm high, protective steel railings with uprights at 100mm centres. The ramp extends across approximately 50% of the frontage of the building. It is further proposed to automate and replace the inner entrance doors.

DEVELOPMENT PLAN POLICIES

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 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 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.

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

Historic Scotland - No objections.

PUBLICITY

The application was advertised as a development affecting a listed building.

SITE NOTICES

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

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, Historic Scotland's Scottish Historic Environment Policy and Managing Change in the Historic Environment design guidance series, and the consultation response.

Policies HR11 and HR14 of the Local Plan and Policies HER1 and HER4 of the proposed Local Development Plan combine to locate the Grade B listed building within the Greenock West End Conservation Area. Development proposals are required to respect the pattern of development and character of the Conservation Area, respect the reasons for the building being listed, be of a high standard and be approved only where they do not adversely affect the special interest of the building; all with reference to Historic Scotland's Scottish Historic Environment Policy and the Managing Change in the Historic Environment design guidance series.



Scottish Historic Environment Policy advises that protecting the historic environment is not about preventing change. Change should be managed intelligently and with understanding. The Managing Change in the Historic Environment design guidance series advises that boundary treatments form important elements in defining the character of historic buildings and conservation areas. It is important to protect the visual importance of the boundary treatment and the contribution that it makes to the overall setting of the building. In this instance the frontage is formal and clearly defined by the low wall and decorative railings and is devoid of visual clutter. The proposed ramp extends across approximately 50% of the frontage of the listed building, and will significantly impact upon the visual balance that exists between the historical site boundary and the building, presenting a dominant intrusion. While not affixed to the existing walling and railings, I am concerned that the 11m long ramp and associated protective metal barriers shall interrupt and degrade views of the formal frontage to one of Greenock's most historic buildings. Consequently, In this instance, I do not agree with Historic Scotland's position.

I have requested that the applicant provide a discrete wheelchair lift as an alternative to the proposed ramp, but am advised that management considerations render this option unacceptable and that their preference is to have the application determined as submitted. While acknowledging the applicant's management concerns, I consider that these are significantly outweighed by the adverse impact of the proposed ramp on the Grade B listed building's frontage and its setting within the Greenock West End Conservation Area.

Moving on to the proposed automation and replacement of the inner entrance doors, I note that these doors are not original to the listed building and am thus satisfied that replacement is an acceptable option.

Overall, however, I do not consider that the proposal merits support.

RECOMMENDATION

That the application be refused for the following reason:

The design and location of the proposed ramp and associated protective barriers shall adversely affect the frontage of the Grade B listed Sheriff Court and be to the detriment of the pattern of development and character of this part of the Greenock West End Conservation Area, contrary to policies HR11 and HR14 of the Local Plan and policies HER1 and HER4 of the proposed Local Development Plan.

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 reply.
5. Historic Scotland's Scottish Historic Environment Policy and Managing Change in the Historic Environment design guidance series



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Report To:	The Planning Board	Date:	5 February 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0358/IC Plan 02/14
			Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Erection of a restaurant/pub with associated staff accommodation, parking, landscaping, access and servicing at Victoria & East India Harbours, Rue End Street, Greenock		

SITE DESCRIPTION

The application site occupies an approximately 0.41 hectare area of ground to the south-east of East India Harbour, located off Rue End Street in Greenock. The site is an inverse “L” shape and occupies part of the East India Breast road surface, hard landscaped ground to the south of this, and part of the quay between East India and Victoria Harbours.



The application site sits within the wider Harbours area within which there are marine business related buildings to the north of the application site and an electricity sub-station to the south-east. Morrison’s car park and Greenock Fire Station are located across Rue End Street.

This site is within the Greenock Harbour Masterplan area, originally approved as part of planning permission IC/05/245. While this permission has now lapsed, planning permission IC/05/309 has facilitated enabling works to allow developments to proceed and the masterplan remains the basis for development. This permission shows the erection of a railing around both Harbours and the means of vehicular and pedestrian connection to Rue End Street. A subsequently planning permission 13/0096/IC sets out the precise detail of these links.

PROPOSAL

This planning application proposes the construction of a restaurant/pub, which will include upper level staff accommodation, with associated access, parking, servicing and landscaping provision. The building design is two storey and contemporary, finished in a mix of facing materials including render, blockwork and timber effect cladding. The roofs are mainly curved with a “Kingspan” or equivalent finish. The building will have a finished floor level of 4.65m. above Ordnance Datum.

While the pub entrance faces east, the building has been designed to take advantage of views in a northern, eastern and southern direction. There is also proposed to be outdoor seating and tables to the east of the main entrance with views towards Victoria Harbour, and a beer garden to the north with views over East India Harbour. The service yard will be located along the west elevation and will be enclosed by a wall finished in materials to match the main building. Twenty five car parking spaces are to be provided adjacent to the service yard with 55 spaces to the north of the building on the quay. A 1.2m. high steel fence will enclose the eastern boundary and part of the southern boundary, beyond which there will be an open verge consisting of a grass slope and a planting bed. The northern boundary will consist of a 0.95m. high flood protection wall, topped with a steel rail. A play area is to be located adjacent to the beer garden along this northern elevation and will be enclosed by a steel fence rising to 1.8m. high on top of a retaining wall. Small areas of soft landscaping are shown around the periphery of the site with hard landscaping for the outdoor seated areas. The riverside walkway runs between the curtilage of the restaurant/pub and the parking spaces to the north.

DEVELOPMENT PLAN POLICIES

Local Plan Policy SA1 - The Harbours Area, Greenock Town Centre

Inverclyde Council, as Planning Authority, will support the development of sites within The Harbours Area, identified on the Proposals Map as SA1, where it is in accordance with the following mixed use planning policy framework.

Land Uses

The following uses will be permitted:

- (a) Residential Flats;
- (b) Non-Residential Institutions (Use Class 10) of a tourist and heritage nature that are related to The Harbours’ marine use, location and historical importance;
- (c) Shops (Use Class 1) that are restricted to the servicing of the above tourism, heritage and leisure uses and do not exceed 100 square metres of gross floorspace;
- (d) Food and Drink (Use Class 3) and use as Public House;
- (e) Financial, Professional and other services (Use Class 2);
- (f) Hotel (Use Class 7); and
- (g) Marine-based commercial enterprises, including provision for marina facilities and a potential ferry operator.

Built Environment and Design

Any scheme will be required to incorporate the following design elements:

- (h) to retain and reinforce the urban setting of this Town Centre area with building and spatial arrangements respecting the existing structures and features of the harbours and providing pedestrian routes and views through and across the sites;
- (i) to achieve the above, enclosures should be minimised and limited to service areas;
- (j) materials, finishes and standards of design should reflect the urban and maritime history of the area;
- (k) traffic-free harbour and dock-side areas, with areas for parking, servicing and traffic circulation strictly limited; and
- (l) the provision of effective pedestrian and cycle routes through the site as part of the Inverclyde Coastal Route.

Access

- (m) Highways access will be from Rue End Street via the existing signal-controlled junction at Virginia Street; and
- (n) the provision of safe and effective pedestrian and cycle routes through the development area and to facilitate unimpeded access to Greenock Central Station.

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.

Local Plan Policy TA2 - Accessibility of Major Developments

Inverclyde Council, as Planning Authority, will seek to reduce the need to travel by private car by directing new major travel-generating developments to locations accessible by walking, cycling and public transport. Developers may be required to submit Transport Assessments and Green Transport Plans demonstrating that such developments will be easily accessed by means other than the private car.

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy MAC 1-7 - Major Areas of Change

The Council will support the redevelopment of the areas designated 'Major Areas of Change' on the Proposals Map by having regard, where applicable, to:

- (i) approved planning permissions (in outline, in principle or detailed);
- (ii) approved masterplans/development frameworks and briefs;
- (iii) the future submission and approval of a masterplan/development framework; and additionally,

taking cognisance of the planning strategies, area policy and preferred land uses outlined under each of the respective Areas, MAC1 to MAC7, in Supplementary Guidance.

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.

Policy SDS5 Development within the Urban Area

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

Policy SDS7 Regeneration and Renewal Priorities

Appropriate new investment and development will be directed to the Waterfront and to the Council's partnership renewal areas - 'Major Areas of Change' and 'Areas of Potential Change' - as identified on the Proposals Map and in accordance with the Plan's local development frameworks and, where required, Supplementary 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.

CONSULTATIONS

Head of Environmental and Commercial Services – It is noted that the development requires 55 car parking spaces and that 80 have been provided. The road serving the development is prospectively adoptable, should accord with the Council's Roads Development Guide and will require a construction consent. The 1.2m. high boundary fence will obstruct the required visibility splay of 43m. by 2.4m. by 1.05m. high at junctions. A tracking drawing indicating the swept path of HGVs accessing the site over the public road should be provided. The public road through the site is adopted and will require a stopping up order. Previous reviews of flood risk assessments and the

inclusion of the flood defence wall at 4.75m. above Ordnance Datum allows the acceptance of a finished floor level of 4.65m. above Ordnance Datum.

Head of Safer and Inclusive Communities –There is no objection in principle to the application, but there is concern on how it may impact on future development in the immediate vicinity. Should the application be granted and housing subsequently be proposed in close proximity, issues of cooking odours and noise may well arise. This would be likely to adversely influence comments from the Head of Safer and Inclusive Communities on any future application for housing in the vicinity. Notwithstanding this, conditions and advisory notes in respect of contaminated land issues, cooking odours, waste containers and external lighting are recommended.

Scottish Environment Protection Agency - No objection.

Scottish Water - No objection.

Transport Scotland - No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph on 6th December 2013 as a Schedule 3 development, as there are no premises on neighbouring land and as it is contrary to the development plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

One objection has been received in respect of the application. The points of objection may be summarised as follows:

- 1) The claimed land owner does not own the site.
- 2) Based on the Health and Safety Act, the proximity of a pub with a children's play area to an open harbour is unacceptable.
- 3) Due to low pricing of drink, the potential nature of future customers is unacceptable.
- 4) The application is contrary to the proposed Inverclyde Local Development Plan.

ASSESSMENT

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

There are two key policy considerations in assessment of this application. Firstly, how the proposal relates to the approved Greenock Harbours Masterplan and, secondly, how the site layout addresses potential dangers posed by flooding.

Policy SA1 of the Local Plan sets out the potential uses within the Masterplan area, while the Masterplan itself examines the built form and the relationship between potential land uses. A pub/restaurant use is in accord with Policy SA1, but the proposed siting does not strictly accord with the most recently approved Masterplan. I further note that Policy MAC1-7 of the proposed Local Development Plan indicates that the Council will support development in accordance with approved Masterplan. Whilst the approved Masterplan always envisaged a restaurant/pub as part of a comprehensive development of the Harbours, it was situated to the north of the presently proposed building, within what the current proposal indicates will be part of the car park. Flatted

residential development was expected to front onto the main access from Rue End Street. While the Masterplan is a flexible document that has already accommodated the incorporation of the previously unidentified Beacon Theatre, it has to be considered how any changes impact on the overall intent of the plan and the consequential impact on potential for future development.

The Masterplan sees East India Harbour as a mix of residential and leisure activity, and key to the successful development is the relationship between the two. The proposed position of the restaurant/pub, while closer to the planned site of residential flats, it is not significantly at variation from the Masterplan which saw this type of development being positioned on the spit.

The detail of how the proposal relates to the Masterplan is also crucial. The building design has evolved to satisfy me that the style and use of materials now reflect design concept promoted in the Masterplan. Car parking has been divided into two areas, reducing the massing and the incorporation of a parking area to the west of the building will help to form a separation between the pub/restaurant and the adjacent residential zone. This will also be beneficial in addressing environmental health concerns over the relationship between the two. The applicant has also embraced the concept of the waterfront location with outdoor seating areas and low perimeters onto the walkway edge, helping the development to become part of the harbourside experience. The applicant has also made changes to the plans to ensure adequate visibility requirements can be achieved and has successfully demonstrated how HGVs will be able to serve the site.



Overall I am satisfied that approval of the development would not compromise the ability of the Masterplan to still deliver much of what was originally envisaged without prejudicing its overall integrity. This flexibility also reflects the changed economic circumstances since the Masterplan was approved and allows appropriate development without compromising planning policy and reflects the intent of Local Development Plan Policies SDS5 and SDS7. Furthermore, in terms of accessibility the site is located immediately adjacent to a national cycle route and walkway, within less than a minute's walk from a bus route and less than 10 minutes walk from a train station, according with Policy TA2 of the Local Plan and Policy TRA2 of the proposed Local Development Plan. I therefore consider that a departure from the approved Masterplan can be supported in this instance.

Turning to the issue of flooding, the finished floor level of the building is noted as 4.65m. above Ordnance Datum. This fails to accord with Policy UT4 of the Local Plan and Policy INF4 of the

proposed Local Development Plan. The application has, however, been the subject of consultation with the Scottish Environment Protection Agency and the Head of Environmental and Commercial Services in his capacity as Flooding Officer. Calculations of flood levels, including a freeboard allowance, have been taken into consideration and it has been accepted, in this instance, that the combination of a finished floor level of 4.65m. above Ordnance Datum and a wave overtopping defence wall along the northern boundary of the site will be sufficient to address concerns over flooding. On this basis I consider that a departure from Policy UT4 of the Local Plan and Policy INF4 of the proposed Local Development Plan can be justified, and that putting this issue aside, in all other aspects the proposal accords with the intent of both the Local Plan and the proposed Local Development Plan.

Finally, while I note the representations submitted, none are issues that persuade me that planning permission should be refused. Procedurally, the applicant has completed the site ownership certificate, correctly carrying out ownership notification. The Council has completed publicity procedures and no other parties have claimed ownership of the site. It should also be noted that a road stopping up order and roads construction consent will separately be required following a grant of planning permission and that while the Head of Safer and Inclusive Communities wishes the matter of odour control to be addressed by condition, as this relates to internal fittings and their management, this is appropriately controlled by separate legislation and may be addressed by an advisory note.

RECOMMENDATION

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

1. That before the commencement of development, samples of all facing materials to be used on the building and associated walls, shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless an alternative is approved in writing by the Planning Authority.
2. That samples of the surfacing materials to be used in the hard landscaping of the outdoor seating area, the beer garden and the play area shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless an alternative is approved in writing by the Planning Authority.
3. That before the commencement of development, a detailed specification of the boundary railing and the railing topping the frontage wall shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless an alternative is approved in writing by the Planning Authority.
4. That prior to the commencement of development, full details of the soft landscaping of the site, including number and mix of species and height of planting shall be submitted to and approved in writing by the Planning Authority. The approved planting scheme shall thereafter be carried out within the first planting season following the restaurant/pub being brought into use.
5. That any of the planting approved in terms of condition 4 above which dies, becomes diseased, is damaged or removed within 5 years of planting shall be replaced within the following planting season with others of a similar size and species.
6. That prior to the building hereby permitted being brought into use, all parking spaces and manoeuvring areas shall be finished in a final sealed wearing course, the details of which shall be submitted to and approved in writing by the Planning Authority prior to their use unless an alternative is approved in writing by the Planning Authority.

7. 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.
8. 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.
9. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include: the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.
10. 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.
11. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority, detailing all fill or landscaping material imported onto the site. This report shall contain information of the materials source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
12. That the applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the development shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes in place.
13. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reasons

1. To ensure the suitability of the materials.
2. To ensure the suitability of the materials.
3. To ensure the suitability of the railing design.
4. To ensure the provision of suitable soft landscaping in the interests of visual amenity.
5. To ensure retention of the approved landscaping scheme.
6. To ensure safe and adequate access to the property.

7. To control runoff from the site to reduce the risk of flooding.
8. To ensure that all contamination issues are recorded and dealt with appropriately.
9. To protect receptors from the harmful effects of imported contamination.
10. To protect receptors from the harmful effects of imported contamination.
11. To protect receptors from the harmful effects of imported contamination.
12. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
13. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

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. Previous site planning permissions.
5. Consultation replies.
6. Representation.



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Report To: The Planning Board

Date: 5 February 2014

Report By: Head of Regeneration and Planning

Report No: 13/0331/IC
Plan 02/14

Local Application
Development

Contact Officer: David Ashman

Contact No: 01475 712416

Subject: Refurbishment and partial demolition of an existing residential property to provide teaching support accommodation and construction of new build single storey extension containing teaching spaces and support spaces. Refurbishment and re-cladding of the school's existing science block. Landscaping works around existing buildings and new extension at St Columba's School, Duchal Road, Kilmacolm.

SITE DESCRIPTION

The grounds of the detached villas "Cromdale" and "Kilmorack" and the 3 storey science block building within the adjacent St Columba's School grounds combine to form the 0.4 hectare application site. "Kilmorack" is presently occupied whilst "Cromdale" lies vacant. The topography of the site rises towards the north and east. Stone walls form the west, north and east boundaries with mature trees and bushes reinforcing primarily the west and north boundaries.



The site is set within a residential area, with houses on Gryffe Road and Duchal Road to the north and east. Adjoining to the south is St. Columba's School. To the west, across Gryffe Road, is a railway cutting that hosts a section of the national cycle route, beyond which lies fields of the Duchal Estate.

PROPOSAL

The applicant seeks planning permission for the refurbishment of "Kilmorack" involving partial demolitions in order to prepare it for teaching support accommodation. Single storey extensions,

one linking “Kilmorack” and “Cromdale”, the others extending to the rear site boundary and directly behind “Kilmorack” and “Cromdale”, are proposed. Overall, 9 new classroom units and support and circulation spaces covering approximately 680 sq.m. will be formed within the extension. The rear wall of the new classroom extensions will replace in sections the existing rear boundary wall, with natural stone cladding used on the exposed parts facing the villas to the rear. The extensions to the rear will look onto an enclosed outdoor courtyard that may be used for teaching. Play space is concentrated between the buildings and Gryffe Road. Some of the existing planting within the site is to be removed, although most will remain and will be supplemented.

A range of facing materials is to be used on the extensions. Brickwork will front the elevation to the houses to the rear and to the front facing Gryffe Road. A pergola style screen with a zinc canopy will form part of the elevation onto Gryffe Road. The roofs will be planted as gardens to soften their visual impact when viewed from neighbours. The other external faces will be finished in glazing. The existing science block is to be refurbished with the introduction of new windows and ventilation outlets.

Refurbishment and a side extension to “Cromdale” initially formed part of the application but was subsequently excluded as the building may house a bat roost. A detailed survey is required and this would have delayed consideration of the application until the spring at the earliest. The applicant opted to remove works to “Cromdale”, and on resolution of bat protection issues a further application will be submitted later in the year.

In 2008 a previous planning application at this site which was refused permission on appeal, largely due to the potential adverse amenity impacts on the occupants of the adjacent villas to the rear from overlooking and playground noise. More recently, planning permission was refused in January 2013 for the development of new build facilities on land at Milton Wood within the Duchal Estate, Lochwinnoch Road. This was due to conflict with Green Belt and protected open space policy. As with these previous proposals, the applicant advises that the proposal will not increase the School roll but will provide space for two subject groupings, freeing up the main building for the “transitus” pupils to return full time to the School campus.

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 H9 - Non-Residential Development Proposals within Residential Areas

The introduction of new, or the extension of, non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area and satisfy other relevant policies of the Local Plan.

Local Plan Policy DS5 - Promotion of Quality in New Building Design and in Townscape/Landscaping

The urban environment and built heritage of Inverclyde will be protected and enhanced through controls on development that would have an unacceptable impact on the quality of this resource. Quality in new building design and landscaping will be encouraged to enhance Inverclyde's townscapes.

Local Plan Policy HR9 - Tree Preservation Orders

Inverclyde Council will continue to manage works within designated Tree Preservation Orders. Where it is considered necessary, for amenity reasons, to protect other trees or woodland areas, the Council will promote new Tree Preservation Orders.

Local Plan Policy UT1 - Sustainable Use of Existing Infrastructure

Inverclyde Council, as Planning Authority, will seek to direct new development to areas where connections to existing service infrastructure and public utilities are available, and will work with developers, public utility companies and other providers of service infrastructure to ensure that the most efficient use is made of existing infrastructure. The Council will also encourage continued investment in existing infrastructure, with a view to improving service provision.

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 RES6 - Non-Residential Development within Residential Areas

Proposals for uses other than residential development in residential areas, including schools, recreational and other community facilities, will be acceptable subject to satisfying where appropriate, the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) impact on designated and locally valued open space;
- (c) impact of the volume, frequency and type of traffic likely to be generated;
- (d) infrastructure availability;
- (e) social and economic benefits; and
- (f) the cumulative impact of such a use or facilities on an area.

Policy ENV6 - Trees and Woodland

(a) Tree Preservation Orders

Trees, groups of trees and woodland designated as Tree Preservation Orders (TPOs) will be safeguarded. Where it is considered necessary to protect other trees and woodland areas for amenity reasons, new Tree Preservation Orders will be promoted.

(b) Trees and Woodland

Trees and woodland will be protected and enhanced by having regard to the Scottish Government's Woodland Removal Policy and through:

- (i) promoting the planting of broad leaved and native species, or other species with known biodiversity benefits;

- (ii) protecting and promoting the positive management of hedgerows, street trees and any other trees considered to contribute to the amenity of the area;
- (iii) protecting and promoting the positive management of ancient and semi-ancient natural woodlands; and
- (iv) encouraging the planting of appropriate trees as an integral part of new development.

(c) Woodland Creation

Woodland creation proposals will be guided by the GCV Forestry and Woodland Framework Strategy (FWS), where priority locations for woodland management and expansion in Inverclyde will be assessed against the following criteria in accordance with the UK Forestry Standard:

- (i) the benefits of woodland creation to the value of the existing habitat;
- (ii) contribution to the enhancement of the wider Green Network;
- (iii) the safeguarding of nature conservation and archaeological heritage interests;
- (iv) safeguarding of water supplies;
- (v) the area's landscape character;
- (vi) integration with agricultural interests;
- (vii) existing and potential public access and recreational use;
- (viii) woodland design and the proposed mix of species; and
- (ix) points of access to and operational tracks through woodlands.

CONSULTATIONS

City Design Co-operative Ltd - Details of replacement planting and a long term tree management plan should be provided. The tree management plan should note how trees to be felled will be dealt with, tree removals anticipated over the next 5 years, and the nature of replacement planting to compensate for tree loss.

Head of Environmental and Commercial Services – No objections.

Head of Safer and Inclusive Communities – Recommend a condition to control external lighting.

Scottish Water - Works may require to be carried out by the developer to service the proposal at the developer's cost.

PUBLICITY

The application was advertised in the Greenock Telegraph on 29th November 2013 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

43 letters or e-mails of support have been received. The points may be summarised as follows:

- The proposals have properly considered the views and concerns of neighbours.
- The development will modernise and improve the school's teaching facilities and allow transitus pupils to be properly accommodated.
- The proposal will help secure this important asset for Kilmacolm to the economic benefit of the village.
- The proposal is more sympathetic to the surrounding environment than previous proposals.
- Development will result in improvement to appearance of existing villa.

One representation expressed observations as follows:

- The parapet wall to the front of the extension is unnecessary.
- The selection of facing materials is crucial and the Civic Trust wishes to be involved in the choice of materials.
- More thought needs to be given to the planting scheme facing Gryffe Road.

ASSESSMENT

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

St Columba's School is set within a mainly residential area. Although the proposed new facilities are concentrated around "Kilmorack", this is within the ownership of the School. Compliance with Policy H1 of the Local Plan and the associated Policy RES1 of the proposed Local Development Plan requires consideration against Policy H9 of the Local Plan and Policy RES6 of the proposed Local Development Plan.

Policy H9 states that the extension of non-residential uses in existing residential areas will be acceptable only where such uses are compatible with the character and amenity of the area. Policy RES6 makes specific reference to schools being acceptable developments subject to qualifying criteria and forms a sound basis for assessment of the impact on character and amenity.

Criterion (a) Compatibility with the character and amenity of the area.

The school is a well established use in this locality, so a pattern of associated pedestrian and vehicular traffic movement is well established and the School itself has contributed to how this part of Kilmacolm functions. This land use proposal is compatible with the overall general amenity. Visually, the alterations to the existing school building will be an improvement, while the ground floor level extensions to "Kilmorack" do not have a high degree of visibility from the public domain. From Gryffe Road the existing stone wall and dense vegetation along this boundary will restrict visibility, allowing for some thinning of the vegetation. The neighbouring villas on Duchal Road will also have limited visibility of the proposed extensions due to ground level differences and the proposed boundary treatment. The proposed extensions will not impose, with the planted flat gardens softening any impact. I am encouraged that common boundary treatments have been agreed in advance between the applicant and the affected neighbours. Overall, I consider that the proposed extensions are of an appropriate design and finish subject to the confirmation of facing materials.

Criterion (b) Impact on designated and locally valued open space.

No open space will be lost as a result of the proposed development. I note however that there is a Tree Preservation Order affecting one tree within the grounds of "Cromdale". The proposals have been designed to have no impact on the tree and, therefore, the proposal also complies with Policy HR9 of the Local Plan and Policy ENV6 of the proposed Local Development Plan.

Criterion (c) Impact of the volume, frequency and type of traffic likely to be generated.

The School roll is not increasing and the proposals should not therefore generate any additional traffic. I note that there are no objections from the Head of Environmental and Commercial Services on road safety or parking grounds.

Criterion (d) Infrastructure availability.

It is noted that Scottish Water consider that some upgrading works may be required. This is a matter for the applicant to address with Scottish Water under separate legislation. In all other respects the site is already serviced by infrastructure, thus ensuring compliance with Local Plan Policy UT1.

Criterion (e) Social and economic benefits and the cumulative impact of such a use or facilities on an area.

Approval of the proposed development will help to secure the longer term future of the School within Kilmacolm, with representations drawing attention to the contribution the School has in making Kilmacolm a desirable place to live, contributing to spending in local shopping facilities, and the interaction of school pupils with local causes.

I am therefore satisfied from my analysis of Policies H9 of the Local Plan and RES6 of the proposed Local Development Plan that the proposals are compatible with the amenity and character of the area and, consequently with Policies H1 of the Local Plan and RES1 of the proposed Local Development Plan. I also conclude that the quality of the design of the extensions ensures compliance with Policy DS5 of the Local Plan.



The proposal complies with the Local Plan and the proposed Local Development Plan, but it remains to be considered whether or not there are any other material considerations which suggest that planning permission should not be granted. There are no issues raised by consultees that cannot be addressed by conditions or advisory notes on a grant of planning permission, and I note the supportive comments made by those who made representations. I do, however, require to consider a number of observations.

The design form of the extensions, including parapet walls, bring the two former houses together in a uniform way, and the parapet walls forms part of the design. The continuation of this feature from three other elevations onto the front is consistent with this aim and I do not support its removal. I also note that the applicant has identified the parapets as an essential design feature in preventing illegal access to the roof. As for the choice of facing materials, this matter will be addressed by condition and controlled by Inverclyde Council as planning authority. Finally, the Council's landscape consultant has already advised that further information on the proposed landscaping scheme requires to be submitted. The principle of what is proposed is, nevertheless, acceptable

and a decision on the application need not be delayed nor further information sought before a decision is made as this matter may be addressed by conditions.

Overall, I am satisfied that the applicant has addressed previous concerns of overlooking of the adjacent villas and, by concentrating the play/activity area to the front of the villas facing Gryffe Road, the previous concerns over noise disturbance are overcome. I am also satisfied that the proposed development accords with the Local Plan and the proposed Local Development Plan and that there are no material considerations which suggest that planning permission should not be granted.

RECOMMENDATION

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

1. That before their use, samples of all facing materials to be used on the extensions hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority.
2. That prior to the commencement of development full details of all replacement planting shall be submitted to and approved in writing by the Planning Authority. The approved planting shall thereafter be carried out within the first planting season following the end of construction of the extensions and conversion of the villa.
3. That any of the planting approved in terms of condition 2 above which, within the first 5 years from the date of planting dies, is damaged, becomes diseased or is removed shall be replaced within the next planting season with others of a similar size and species.
4. That prior to the commencement of development full details of a long term management plan for the planting approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority. The plan shall thereafter come into effect on completion of the planting.
5. That prior to any construction work starting on site, tree protection measures in accordance with Trees in relation to Design, Demolition and Construction – Recommendations, currently 5837:2012, shall be erected and not removed during the course of construction work.
6. That clearance of vegetation within the application site shall take place outwith the bird breeding season of March to July.
7. 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.
8. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".

Reasons

1. To ensure the suitability of the facing materials.
2. To ensure the suitability of the approved planting.
3. To ensure retention of the approved planting scheme.

4. To ensure retention of the approved planting scheme.
5. To ensure retention of the trees not to be removed.
6. In the interest of biodiversity.
7. To control runoff from the site to reduce the risk of flooding.
8. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.

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 replies.
5. Representations.



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Report To:	The Planning Board	Date:	5 February 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0035/IC Plan 02/14
			Local Application Development
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Notification of Planning Appeal: Proposed residential development (in principle) at Land off Lithgow Way, Port Glasgow		

INTRODUCTION

In September 2013 planning permission was refused for a proposed residential development (in principle) at land off Lithgow Way, Port Glasgow and following a site visit by the Planning Board. Planning permission was refused as:

“The proposal is contrary to the Inverclyde Local Plan 2005 as the site is zoned for commercial use and the commercial zoning should remain in force for a period of 5 years.”



NOTIFICATION OF APPEAL

Notification has been received that an appeal against the refusal has been lodged with the Scottish Government. The appeal is to be considered by written submissions.



RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

Planning application 13/0035/IC



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Report To:	The Planning Board	Date:	5 February 2014
Report By:	Head of Regeneration and Planning	Report No:	13/0077/IC Plan 02/14
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	Notification of Planning Appeal decision: Erection of a single 225kW, 30m to hub, 42m to blade tip wind turbine plus associated works at Kelly Mains Farm, Kelly Road, Wemyss Bay		

INTRODUCTION

In June 2013 planning permission was refused for the Erection of a single 225kW, 30m to hub, 42m to blade tip wind turbine plus associated works at Kelly Mains Farm, Kelly Road, Wemyss Bay. Planning permission was refused:

1. As the proposal would lead to an unacceptable cumulative impact on the landscape character of the West Renfrewshire Scenic Hills area when considered in conjunction with other turbine developments in close proximity. This is in contradiction to Local Plan Policies UT6, HR1 and HR5;
2. As the proposal compromises the aims of the Clyde Muirshiel Regional Park in contradiction to Local Plan Policy UT6, LR6 and DS11; and
3. As the development would have an adverse impact on the CMRP population of hen harriers, which are listed as a threatened species. This is in contradiction to the EC Birds Directive, the Wildlife and Countryside Act, Local Plan Policies UT6 and DS11.



An appeal against the refusal has been lodged with the Scottish Government and considered by written submissions.

APPEAL DECISION

The Reporter considered the determining issues to be, all with regard to the development plan, Scottish Government Policy on renewables and the effect on the West Renfrew Hills Scenic Area, on Clyde Muirshiel Regional Park and on hen harriers.

Scottish Government Policy supports wind farms where technology can operate efficiently and where the environmental and cumulative impacts can be addressed. The locations of turbines require to be considered carefully to ensure that the landscape and visual impact is minimised.



The Reporter notes that the Council recognises wind turbines have been accepted in the area, and he considers that the varying sizes and distances between turbines makes it clear that they are different schemes. Overall, he found that the landscape is compromised by other developments including power lines radiating from the nearby electricity sub station, and that the turbine will be absorbed in a landscape of woodlands, pylons, wires and other approved turbines. Consequently this turbine will have a relatively minor overall impact, not to the detriment of either the West Renfrew Hills Scenic Area or the Clyde Muirshiel Regional Park.

It was noted that Scottish Natural Heritage found there to be no significant effect on the hen harrier population and the Reporter found no reason to reject this advice.

All of the above represented, in the Reporter's view, a proposal that accords with the development plan. The appeal was sustained subject to the following conditions:

1. The permission hereby granted shall endure for a period of 25 years from the start of development. At the end of the 25 year period, unless with the express approval in writing of the planning authority, the wind turbine, structures and ancillary equipment shall be dismantled and removed from site, and the ground fully reinstated to its former condition to a depth of no less than one metre below ground surface level or such other means of restoration shall be carried out as may be agreed in writing with the planning authority.

2. In the event that the turbine fails to produce any electricity supplied to the grid for a continuous period of 12 months then it shall be deemed to have ceased to be required and, unless agreed in writing with the planning authority, the wind turbine and the ancillary equipment directly associated with that wind turbine shall be dismantled and removed from the site, and the ground fully reinstated, to the specification set out in condition 1.
3. The turbine shall be finished in a non-reflective semi-matt finish and shall not display any advertising on any part of the turbine unless otherwise agreed in writing with the planning authority. Confirmation of the details of the finish and colour of all externally visible components shall be submitted to and agreed in writing with the planning authority prior to the start of development.
4. 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, 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.
5. 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 remedial work shall be implemented, but not until a report detailing the contamination and required work has been submitted to and approved in writing by the planning authority.
6. 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), 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.
7. The level of noise emissions from the wind turbines, when measured at any dwelling lawfully existing at the date of permission, shall not exceed:
 - a. between the hours of 23:00 and 07:00, the greater of 43dB LA90(10 min) or 5 dB(A) above the Night Hours Background Noise Level at that property; and
 - b. between the hours of 07:00 and 23:00, the greater of 40dB LA90 (10 min) or 5dB(A) above the Quiet Waking Hours Daytime Background Noise Level at that property.
8. The Ministry of Defence shall be informed at the earliest opportunity of: the dates when construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

RECOMMENDATION

That the Board notes the position.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

Planning application 13/0077/IC.

Reporter's decision letter dated 10 December 2013.



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PLANNING BOARD**

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AGENDAS AND ALL NON-CONFIDENTIAL PAPERS TO:

Community Councils 10

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LETTERS TO:-

20 Councillors
Aubrey Fawcett
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Nick McLaren
Ian Moffat
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21/05/2012