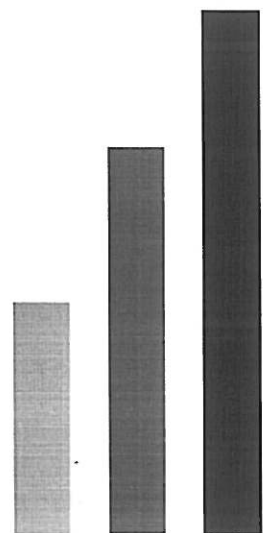


Agenda 2014

Planning Board

For meeting on:

| | | |
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| 4 | June | 2014 |
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Ref: RMcG/AI

Date: 26 May 2014

A meeting of the Planning Board will be held on Wednesday 4 June 2014 at 3pm within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal and Property 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) **Stewart Milne Homes**
Erection of thirty three dwellinghouses, alterations to detention basin and relocation of play area (amendment to planning permission IC/06/008):
Inverkip 8 and 9, Hill Farm, Inverkip (14/0041/IC)
 - (b) **Mr and Mrs Docherty**
Erection of extensions to front and rear of dwellinghouse:
108 Newark Street, Greenock (14/0048/IC)
 - (c) **Taylor Grange Developments Ltd**
Demolition and clearance of existing vacant redundant community building and shops and erection of a new building comprising two ground floor retail units, thirteen residential apartments above and ten ancillary basement car parking spaces:
The Kilmacolm Institute, Lochwinnoch Road, Kilmacolm (13/0379/IC)

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

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|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------|
| Report To: | The Planning Board | Date: | 4 June 2014 |
| Report By: | Head of Regeneration and Planning | Report No: | 14/0041/IC Plan06/14 |
| | | | Local Application Development |
| Contact Officer: | James McColl | Contact No: | 01475 712462 |
| Subject: | Erection of 33 dwellinghouses, alterations to detention basin and relocation of play area (amendment to planning permission IC/06/008) at Inverkip 8 And 9, Hill Farm, Inverkip | | |

SITE DESCRIPTION

The site is a 1.39 hectare area of ground located within the Stewart Milne section of the Hill Farm housing development in Inverkip. Located on a north facing hill side, it is currently rough grassland and scrub with small trees to the periphery. A single mature tree is located within the site. A housing development which is presently under construction lies to the north and east of the site and the Berfern Plantation lies to the south and west.

The sustainable urban drainage system (SUDS) arrangement adjacent to plot 149 is also considered as part of the application.



PROPOSAL

Planning permission was granted in May 2007 for residential development at Hill Farm. Play provision comprising an equipped play area and a SUDS area was also proposed adjacent. A

further planning permission was granted in December 2010 to amend the house types and introduce 4 additional plots within Areas 8 and 9 of the site. This permission included plots 159 – 163.

The previous approval approved 5 plots with open hillside on the application site. This application now proposes to erect 33 dwellings comprising a mix of detached and terraced properties on this site. The proposed dwellings will be two storey and each property will have a private front and rear garden area. Externally, the proposed dwellings will be finished in a range of facing brick, render and roof tiles which will accord with the general palette of colours within the wider development. Garden boundaries between plots will be defined by a 450 mm metre high timber fence with side and rear boundaries defined with an 1800 mm high timber screen fence. All properties will feature a private driveway with the exception of plots 238 – 242 where dedicated off street parking will be provided adjacent to the turning head. Various retaining walls are proposed within the site, to a maximum height of 4.5 metres.

It is further proposed to relocate a proposed play area and amend the SUDS arrangement adjacent to plot 149 to include a detention pond with increased capacity to accommodate the increased number of dwellings.

DEVELOPMENT PLAN POLICIES

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 H6 - Hill Farm, Inverkip

Inverclyde Council, as Planning Authority, will include site ho67 adjacent to the settlement of Inverkip at Hill Farm as land release from the Green Belt, as indicated on the Proposals Map, on condition that that part of the planning consent (indicated on the Proposals Map) is revoked and that development of the remainder of Hill Farm is subject to a masterplan/development brief, to be agreed in advance by the Council.

The release of site ho67 will be conditional on the masterplan providing for:

- i the necessary road improvements at the Brueacre Interchange or a financial contribution towards these;
- ii open space and landscaping in accordance with Policy H11 and Planning Practice Advice Note 3;
- iii the funding of community facilities for neighbourhood and community use;
- iv a pedestrian link, including footbridge, to Inverkip Station and a 'park and ride' facility to the south of the railway line; and
- v mitigation of any adverse impact on the landscape.

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 H11 - Residential Development Proposals and Open Space Provision

Inverclyde Council, as Planning Authority, requires developers of new housing to make provision for public open space, play areas and private garden ground, or a comparable financial contribution towards either the provision of, or maintenance and improvement of, existing play equipment in a park or play area in the vicinity of the development, in accordance with the Inverclyde Council Planning Practice Advice Note 3.

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 DS8 - Green Belt

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

Local Plan Policy UT3 - Sustainable Urban Drainage Systems

Inverclyde Council, as Planning Authority, will encourage the inclusion of Sustainable Urban Drainage Systems in appropriate developments, and where included will require agreement to be reached in respect of the continual maintenance of the proposed system prior to planning permission being granted.

Local Plan Policy HR18 - Development Affecting Archaeological Sites

Development on or adjacent to Scheduled Ancient Monuments, other archaeological sites and industrial archaeological resources, will normally only be permitted where there is no adverse impact on the resource. Where development is permitted affecting sites of archaeological importance, conditions will be attached to planning consents to allow for excavation and recording before or during development. The Council will require developers to fund such works.

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.

PPAN3 - 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.

Policy RES4 - Provision of Affordable Housing

Residential developments of 20 or more dwellings on the prescribed sites in Schedule 6.1 will require developers to contribute towards meeting the affordable housing requirements identified in the Glasgow and the Clyde Valley Housing Need and Demand Assessment for Inverclyde. Provision is to be delivered by developers in accordance with Supplementary Guidance on Affordable Housing through the following means:

- (a) a benchmark of 25% Affordable Housing Contribution or another agreed percentage on specified 'quota sites'; or failing that and in exceptional circumstances:
 - (i) off-site provision within the same HMA/HNDA sub area*; or
 - (ii) commuted payments in lieu of on- or off-site provision;
- (b) allocated Registered Social Landlord sites in the effective land supply; and
- (c) greenfield land release for a negotiated Affordable Housing Contribution, subject to assessment in accordance with the GCV SDP Strategy Support Measure 10 and Policy RES3.

* Note: refer to Supplementary Guidance, Annex 1.

Policy ENV2 - Green Belt and the Countryside

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

- (a) it is required for the purposes of agriculture, forestry or, where appropriate, renewable energy (refer Policy INF1); or
- (b) it is a recreation, leisure or tourism proposal which is appropriate for the countryside and has an economic, social and community benefit (refer to Policy ECN6); or
- (c) there is a specific locational requirement for the use and it cannot be accommodated on an alternative site (refer Policies INF3 and INF7); or

- (d) it entails appropriate re-use of redundant habitable buildings, the retention of which is desirable for either their historic interest or architectural character or which form part of an establishment or institution standing in extensive grounds (refer to Policy RES7); and
- (e) it does not adversely impact on the natural and built heritage, and environmental resources;
- (f) it does not adversely impact on landscape character;
- (g) it does not adversely impact on prime quality agricultural land;
- (h) it does not adversely impact on peat land with a high value as a carbon store;
- (i) it does not adversely affect the visual amenity of the area and is capable of satisfactory mitigation;
- (j) there is a need for additional land for development purposes, provided it takes account of the requirements of the Strategic Development Plan; and
- (k) it has regard to Supplementary Guidance on Planning Application Advice.

Policy INF5 - Sustainable Urban Drainage Systems

Proposed new development should be drained by appropriate Sustainable Urban Drainage Systems (SUDS) designed in accordance with the CIRIA SUDS Manual (C697) and, where the scheme is to be adopted by Scottish Water, the Sewers for Scotland Manual Second Edition. Where the scheme is not to be adopted by Scottish Water, the developer should indicate how the scheme will be maintained in the long term.

Where more than one development drains into the same catchment a co-ordinated approach to SUDS provision should be taken where practicable.

Policy HER6 - Development Affecting Archaeological Sites

Development which will have an adverse effect on Scheduled Monuments or their setting will only be permitted in exceptional circumstances and where it is satisfactory having regard to Historic Scotland's 'Managing Change in the Historic Environment' guidance note series. Development on or adjacent to other archaeological sites, as included on the Council's database of sites of archaeological importance, will normally be permitted only where there is no adverse impact on the resource.

Where development is permitted affecting these sites of archaeological importance, conditions will be attached to planning permissions to allow for excavation and recording before or during development. Any survey reports or works sought by the Council will require to be funded by the developer.

PAAN3 - Private and Public Open Space Provision in New Residential Development applies.

CONSULTATIONS

Head of Environmental and Commercial Services - No objections.

Head of Safer and Inclusive Communities – Conditions relating to contaminated land and provision of waste containers are recommended.

Transport Scotland – No objections.

Scottish Water – No objections.

Scottish Environment Protection Agency West – No objections.

Archaeology consultant - The wider housing development results in the original landscape setting of the enclosure previously identified being entirely lost. Preservation in situ of buried archaeology within such a setting would also be difficult. The methodology of excavation, post-excavation and publication set out in the written scheme of investigation submitted is accepted as appropriate. A condition requiring that this is implemented to ensure the enclosure and all associated features are fully excavated and a programme of post-excavation undertaken, culminating in the publication of the site thus preserving the site by record, is advised.

PUBLICITY

The application was advertised in the Greenock Telegraph on 7th March 2014 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

Twelve objections have been received in connection with the proposal.

The concerns raised can be summarised as follows:

- The number of houses proposed within this area of land is a significant increase from the original approval.
- Increased traffic and parking will occur to the detriment of road safety.
- The roads within the development are narrow and will not cope with the increased traffic.
- Additional traffic calming is required.
- Residents with commercial vehicles may park them within the visitor parking spaces.
- The safety and wellbeing of residents will be compromised.
- The safety of children within the development will be seriously compromised.
- The increased number of houses will lengthen construction period on site causing additional noise and nuisance.
- Play parks proposed have not yet been constructed on site.
- Existing trees may be damaged.
- The introduction of terraced properties is not in keeping with the prestigious development.
- The value of existing property will be reduced.
- The developer did not advise purchasers within the development that building plans may change.
- The increase in the number of properties is for financial gain.
- Existing residents have not been notified of the proposals.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, Planning Practice Advice Note (PPAN) 3 and the proposed Planning Application Advice Note (PAAN) 3 on Private and Public Open Space Provision in New Residential Development, the planning history of the site, the visual appearance of the proposed development and impact on existing streetscapes, the impact on neighbouring amenity and the consultation responses.

The house building is wholly within the boundaries of the Hill Farm housing development granted planning permission in 2007. Accordingly the principle of erecting 33 houses is supported by both the Local Plan and the proposed Local Development Plan. Policy H5 of the Local Plan supports and encourages residential development within sites included in Schedule 7.1, and as indicated on the proposals map. Policy RES3 of the proposed Local Development Plan supports developments indicated in Schedule 6.1. The application site is listed in Schedule 7.1 of the Local Plan and Schedule 6.1 of the proposed Local Development Plan as a housing development opportunity. Policy H6 of the Local Plan advises on the requirements for an overall masterplan for the development of Hill Farm. This requirement was addressed in the original planning permission.

The proposed play area is within the site of 2007 planning permission in the area identified for woodland management. The previous planning permission identified a similar encroachment in the woodland area approximately 100 metres from the proposed play area. This area, although within the original application site, is identified as Green Belt in the Local Plan and the proposed Local Development Plan due to there being no house building proposals within it. The consequence is that the play area makes a minor incursion into the Green Belt. However, recognising both that a play area was positioned to complement the recreational value of the woodland and that the principle of the positioning of the play area to the south of the new dwellings has already been established, I am satisfied that this development does not compromise the intent of the Green Belt policy DS8 of the Local Plan or policy ENV2 of the proposed Local Development Plan.



It rests now to consider the detail of the proposal. Policies H8, H11 and DS5 of the Local Plan, reflected by RES1 of the proposed Local Development Plan and supported by PPAN3 and PAAN3, provide the main assessment criteria for new residential development.

I regard the proposal as compatible with the character and density of the previously approved development which this proposal forms a continuation of. Design and materials reflect the wider residential development, and the introduction of terraced properties adds variety to the streetscape. There is no planning requirement or basis for this development to comprise exclusively of detached and semi detached houses.

The requirements for garden space provision around the individual dwellings have been met within the proposed layout, with rear garden gradients typically between 1 in 8 and 1 in 10. Topography

within the site is addressed with a retaining wall to the rear boundary of the plots adjoining the previously approved dwellings on the lower cul-de-sac. The retaining wall ranges typically from between approximately 2 and 3 metres with a short section rising to 4.5 metres. The wall is not visually prominent in the streetscape, and there are various retaining walls throughout the wider Hill Farm development.

There also appropriate open space provision is provided within the wider development. Play provision was also provided as part of the original permission, and it is proposed to relocate a play area to a new position to the rear of the proposed plots 232 – 237, accessed via the new turning head and a footpath from between plots 226 and 159. Subject to a condition requiring details of the equipment to be provided within the relocated play area, this is considered acceptable. I note the concerns raised that the proposed play parks have yet to be constructed within the wider development, and I can confirm that ongoing monitoring of the site will ensure that the implementation of the play parks is undertaken in accordance with previous permissions and enforcement action could be taken to ensure this if required.

This application will have no impact on proposed tree planting overall or the wider woodland management plan. The loss of a single tree previously to be retained will be required to allow development. Overall, it is considered that the loss of one tree has an acceptable visual impact. Additional planting will be required in the area to the rear of plots 157 – 158 and 225 and 226 where the play area was previously proposed. This can be addressed by way of a condition.

Overall, I consider that the wider visual impact of the development on the site and its surroundings is acceptable with the proposed dwellings providing an appropriate street frontage. I also note that the plot fronting the turning head takes account of its position with a dual frontage, to the further benefit the appearance of the development. Considering wider views towards the site, the topography and woodland backdrop will ensure that the new dwellings do not form a dominant feature when viewed from more distant vantage points within Inverkip. I am also satisfied that the proposed development will not unacceptably impact on the amenity of existing residents.

Considering traffic, parking and road safety, concerns raised regarding the increase in traffic and that the roads within the development are narrow and unsuitable are not shared by the Head of Environmental and Commercial Services who has no concerns in respect of meeting the requirements of the Roads Development Guide and offers no objections on this, or on road safety grounds. The parking requirements set out in the Roads Development Guide are also met, and it should be noted that the type of vehicles which can be parked within the visitor parking spaces is not a matter controlled by way of planning legislation. I also note Transport Scotland offers no objection to increased traffic accessing the A78 Trunk Road via the Brueacre junction. The proposal is therefore acceptable with reference to traffic, parking and road safety. With the railway station adjacent to the wider development, there are no specific requirements for this development to provide for public transport.

Overall, I therefore consider that the proposal satisfies the assessment criteria of Local Plan policies H8, H11 and DS5, RES1 of the proposed Local Development Plan and PPAN3 and PAAN3.

Policy RES4 sets out the requirements for affordable housing within residential developments of 20 or more dwellings. As there was no requirement for affordable housing set out in the original permission for the Hill Farm development, it is considered that it would be inappropriate to require the introduction of such at this late stage of the overall development.

The proposal includes alterations to the SUDS arrangement to provide a detention pond to allow for additional capacity within the sustainable urban drainage system and with respect to policy UT3 of the proposed Plan and INF5 of the adopted Plan, the Head of Environmental and Commercial Services has not identified any flood risk and is satisfied with the drainage arrangements. Scottish Water and SEPA also offer no objections to the proposal.

A condition applied to the original planning permission for the Hill Farm development required an archaeological evaluation within the site. This was implemented and revealed an enclosure of significant archaeology, a possible prehistoric cremation cemetery, within the south western corner of the site. It was agreed that this archaeology would be preserved in situ, rather than being excavated and recorded. As it is now proposed to develop this area, details of an excavation and recording of the archaeology on site have now been submitted. The Council's Archaeological consultant advises that the wider housing development results in the original landscape setting of the enclosure being entirely lost. Preservation in situ of buried archaeology within such a setting would also be difficult, but the methodology of excavation, post-excavation and publication set out in the written scheme of investigation is appropriate. A condition requiring that this is implemented to ensure the enclosure and all associated features are fully excavated and a programme of post-excavation undertaken, culminating in the publication of the site is advised. This condition satisfies the requirements of policy HR18 of the Local Plan and policy HER6 of the proposed Local Development Plan.

I am therefore satisfied that the proposal accords with the Local Plan and proposed Local Development Plan. It remains to be considered, however, if any material considerations suggest that planning permission should not be granted. In this respect I shall now refer to the consultation replies that have not yet been addressed in the above policy analysis.

The Head of Safer and Inclusive Communities offers no objections subject to the imposition of conditions in respect of potential site contamination and provision of waste containers for new residents. The site comprises part of a wider development site and there are no issues of biodiversity value to be addressed.

Examining the outstanding points raised in the representations, revisions to housing development proposals during construction reflecting market changes frequently happen and these changes require to be considered on merit. Whilst it is acknowledged that the increase in the number of dwellings will cause the construction period on site to lengthen, the hours of construction are controlled via the Head of Safer and Inclusive Communities via separate legislation to ensure the construction has an acceptable impact on residents already living within the development. Any perceived reduction in property value is not a material planning consideration nor is the economics of the development. Concern that the developer did not advise purchasers that building plans may change is a civil matter to be discussed between the parties involved. Finally, moving to procedural matters, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 require that a neighbour notification is issued to any premises within 20 metres of the application site and in accordance with the legislation a press notice was placed in the Greenock Telegraph.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That prior to their use, samples of all facing materials to the dwellinghouses and retaining walls together with paving and hardstanding shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed utilising the approved materials, or any alternative agreed in writing by the Planning Authority.
2. That prior to the commencement of work on site full details of a landscaping scheme and programme for completion shall be submitted to and approved by the Planning Authority. Development shall then proceed as approved unless any alternative agreed in writing by the Planning Authority. For the avoidance of doubt, this landscaping scheme will address the area to the rear of plots 157 – 158 and 225 – 226 where the play area was previously proposed.

3. That any trees, shrubs or areas of grass which die, are removed, damaged or become diseased within five years of completion of the landscaping shall be replaced within the following year with others of a similar size and species.
4. That details of maintenance and management for the landscaping approved in terms of condition 2 above shall be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
5. That all soft landscaping shall be completed within 4 weeks of the last of the dwellinghouses hereby permitted being occupied.
6. Prior to the commencement of works on site, full details of the specification of the equipment within the proposed play area shall be submitted to and approved in writing by the Planning Authority.
7. On the completion of the fifth dwellinghouse hereby permitted, the play area shall be completed and made available for use via the proposed pathway accessing between plots 226 and 159, to the satisfaction of the Planning Authority. The play area shall then remain available for use at all times thereafter, unless otherwise agreed in writing by the Planning Authority.
8. That clearance of vegetation within the application site shall take place outwith the bird breeding season of March to July.
9. That driveways shall not exceed a gradient of 10%.
10. That prior to each dwellinghouse hereby permitted being occupied, all new roads and footways leading to it shall be surfaced to a sealed base course.
11. That within 4 weeks of the last of the dwellinghouses hereby permitted being occupied, all roads and footways within the application site shall be completed to a final sealed wearing course.
12. That prior to the commencement of development on site, the methodology of excavation, post-excavation and publication set out in the written scheme of investigation shall be implemented to the satisfaction of the Planning Authority. The Planning Authority together with any Archaeological adviser it appoints shall, if requested, be afforded access to the site at all reasonable times to observe work in progress.
13. 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 requirements for remediation work shall not be implemented unless a Remediation Strategy Report has been submitted to and approved, in writing by the Planning Authority.
14. 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 and 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.
15. That prior to the occupation of the first dwellinghouse hereby permitted, the specification of waste and recycling containers together with details of the areas where such containers are to be located shall be submitted to and approved in writing by the Planning Authority.

Reasons

1. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
2. To ensure the provision of an appropriate landscaping scheme.
3. To ensure the retention of the approved landscaping scheme in the interests of visual amenity.
4. To ensure the maintenance of the approved landscaping scheme in the interests of visual amenity.
5. To ensure the provision of a visually acceptable environment.
6. To ensure a properly equipped play area.
7. To ensure the provision of a properly equipped play area within an appropriate timescale.
8. In the interest of biodiversity.
9. To ensure use of the driveways in the interests of traffic safety.
10. To ensure the provision of acceptable safe access facilities during construction.
11. To ensure the provision of acceptable safe access facilities following construction.
12. To ensure the enclosure and all associated features will be fully excavated, recovered and recorded.
13. To ensure that all contamination issues are recorded and dealt with appropriately.
14. To protect receptors from the harmful effects of imported contamination.
15. To ensure suitable bin provision for the new dwellinghouses.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application Form
2. Application Plans
3. Inverclyde Local Plan
4. Proposed Inverclyde Local Development Plan
5. Planning Practice Advice Note (PPAN) 3
6. Proposed Planning Application Advice Note (PAAN) 3
7. Consultations Responses
8. Letters of Representation



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| Report To: | The Planning Board | Date: | 4 June 2014 |
| Report By: | Head of Regeneration and Planning | Report No: | 14/0048/IC Plan 06/14 |
| Contact Officer: | James McColl | Contact No: | 01475 712462 |
| Subject: | Erection of extensions to front and rear of dwellinghouse at 108 Newark Street, Greenock | | |

SITE DESCRIPTION

108 Newark Street, Greenock is a semi-detached dwellinghouse situated within a group of similar dwellings that face a central landscaped area. The building is finished externally in grey imitation stone block with a weathered red tiled roof. A substantial boundary wall is located to the rear of the plot with a privet hedge to the front. The site lies within the Greenock West End Conservation Area.



PROPOSAL

It is proposed to erect front and rear extensions. To the front, the extension projects 2276mm forward from the door position, with a lean-to roof that extends from the existing roof slope. To the rear, a single storey extension with a lean-to roof will span the width of the rear elevation, projecting 3877mm from the existing rear wall. Internal works require a new ground floor window and door opening to the side of the building.

External materials to be used are noted as grey render walling with a grey facing brick basecourse and grey concrete roof tiles.

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 H15 - Proposals for House Extensions

Proposals for extensions to existing residential units will be acceptable only where they are satisfactory in terms of the following criteria:

- (a) the amenity of neighbouring residents;
- (b) impact on the existing streetscape;
- (c) impact on the existing house in terms of shape, size and height, and choice of materials; and
- (d) size, proportion, style and alignment of doors and windows.

Local Plan Policy HR1 - Designated Environmental Resources and Built Heritage

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

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

- (a) Sites of Special Scientific Interest (SSSI) will not be compromised;
- (b) visual amenity and townscape will not be compromised;
- (c) no other site, identified in the Local Plan as suitable, is available;
- (d) the social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource;
- (e) the developer has demonstrated that the impact of the development on the environment will be minimised; and
- (f) the loss can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this.

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

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

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

Local Plan Policy HR12 - Impact of Development Within Conservation Areas

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

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.

PPAN7 - House Extensions 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 RES5 - Proposals for Changes to Properties for Residential Use

Proposals for the change of use, sub-division or conversion to properties to create new additional dwelling units, and for the alteration or extension to residential properties, will be assessed against and have to satisfy where appropriate, the following criteria:

- (a) the character and amenity of neighbouring properties;
 - (b) impact on the streetscape;
 - (c) impact on the character of the existing property;
 - (d) accordance with the Council's adopted roads guidance; and
- having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy HER1 - Development which Affects the Character of Conservation Areas

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

PAAN4 - House Extensions applies.

CONSULTATIONS

None required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 14th March 2014 as a development affecting a conservation area.

SITE NOTICES

A site notice was posted on 14th March 2014 for development affecting conservation area.

PUBLIC PARTICIPATION

Six objections have been received. A seventh letter while offering no objection to the principle of an extension raises concern relating to the details submitted.

The concerns raised can be summarised as follows:

- The properties between 104 and 126 Newark Street have a particular uniform external appearance.
- The proposal is visually unacceptable in terms of the existing property and wider conservation area.
- The development is out of scale and character.
- The proposed materials are not appropriate
- The proposal will lead to an overshadowing and loss of light to neighbouring property.
- There will be a loss of front garden.
- There is no road to the front of the property and no details on how materials will get to the site have been submitted.
- Provision should be made to ensure footpaths and public areas, damaged during the works are made good.
- Granting permission would create a precedent for future similar development.
- An accurate site plan has not been submitted.
- The neighbour notification is insufficient and ignores many properties which are affected.
- The site notice erected was positioned away from those affected by the proposal.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Plan, the proposed Inverclyde Local Development Plan, Planning Practice Advice Note (PPAN) 7 and the proposed Planning Application Advice Notes (PAAN) 4 on house extensions, the Scottish Historic Environment Policy (SHEP), Historic Scotland's Managing Change in the Historic Environment Guidance Notes, Scottish Government Planning Advice Note 71 (Conservation Area Management), the visual impact of the proposed extension, the impact on the amenity of neighbouring residents and the representations received.

The Greenock West End Conservation Area is characterised by a wide variety of designs and styles of buildings. These designs are reflective of the architectural styles of the time which they were built and vary in terms of design, appearance, type and finishing materials. The application site is set back from the public road and forms part of a development of similar properties of a 1950s design, typical of the evolving pattern of development within the Conservation Area during this era. Whilst similar, a range of alterations, including rendering, replacement of roof tiles and fenestration, side porches and rear conservatory have been carried out to various other buildings within this group.

Considering design, the proposal is best assessed against Policy H15 of the Local Plan, Policy RES5 of the proposed Local Development Plan together with PAAN 7 and the proposed PAAN 4. PAAN 7 and the proposed PAAN 4 seek to achieve a balance between those wishing to extend their property whilst protecting the amenity of neighbouring residents.

The rear extension projects approximately 3.9 metres from the rear wall of the house and this complies with the guidance within proposed PAAN 4. Taking account of the conservatory to the

rear of the adjoining property, I am also satisfied that this projection from the rear wall of the house is acceptable in terms of PAAN 7. The extension is also positioned in excess of 5.5 metres from the rear boundary and the large garden ensures that the extension does not result in more than 25% of the rear curtilage being developed. I am satisfied that overdevelopment does not occur. Furthermore, the positioning of the extension will not result in any unacceptable impact on the amenity of neighbouring residents by way of overlooking or loss of daylight. The alterations to the window and door openings to the side elevation of the existing property are considered visually neutral.

Considering the front extension, I note that whilst the building is set back from Newark Street, the frontage is clearly visible from within the square. The extension will project approximately 2.3 metres from the front wall, which is just over twice the projection of the existing single storey porch. Whilst I note concern regarding the loss of part of the front garden, it is 4.5 metres in depth and the extension only spans half the width of the front elevation. In assessing the visual impact, I am mindful of other alterations that have occurred to the front of buildings in this group. These include the installation of a variety of window designs, the rendering of external walls with grey and a lighter buff colour, new roof tiles and roof painting. There is also an unimplemented permission to render one half of a pair of semi-detached dwellings. While different to what has happened to other buildings, the incremental changes elsewhere suggest that the original visual harmony of consistency will not be this unacceptably disturbed by this extension and that overall, the design and scale of the front extension has an acceptable visual impact on the existing property and streetscape. The positioning of the extension will not result in any unacceptable impact on the amenity of neighbouring residents by way of loss of daylight.



Assessing external materials, a grey rendered finish is proposed to the walls of the new extensions. Whilst I note the concern raised that this finish is inappropriate and at odds with the light coloured render applied to the neighbouring terrace, I consider that grey render is an appropriate finish when considered against the present grey imitation stone block. A condition can ensure that the finished shade of grey to be used is appropriate. A condition can also ensure the appropriateness of the materials utilised in the base course. Whilst weathered, the roof of the original property has a red tiled finish. I do not consider grey roof tiles to be appropriate. The requirement to utilise and provide samples of an appropriate alternative red roof tile can also be addressed by a condition.

Overall, I consider that the proposed extensions will have an acceptable visual impact on both the building and the Conservation Area and is therefore acceptable in terms of Policies H1, H15, HR1, HR11 and HR12 of the Inverclyde Local Plan, RES1, RES5 and HER1 of the proposed Local Development Plan, PPAN 7, the proposed PAAN4, the aims of the SHEP and Historic Scotland's

Guidance which seek to preserve the historic environment and the Scottish Government's PAN 71 which seeks to manage change in conservation areas. It rests to consider if there are any other material considerations that suggest a decision should be made against policy.

Examining the outstanding points raised in the representations received, it is the responsibility of an applicant to satisfy themselves of the logistics for the conveyance of building of materials from the roadside to the application site. This cannot influence the determination of the planning application. Similarly, the potential for damage to adjacent ground and footpaths during construction is not a matter which can be addressed via the planning application process. Whilst I note concern that granting permission in this instance may create a precedent for future similar developments, any future planning applications will require to be considered on their individual merits.

Moving to procedural matters, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 require that a neighbour notification is issued to any premises within 20 metres of the application site. In accordance with the legislation a press notice was placed in the Greenock Telegraph. Additionally a site notice was posted in the vicinity of the application site. It was considered that siting this on the corner of the access footpath to the property and the footway on Newark Street, rather than within the square, where it may not have been seen by passers-by, would ensure wider awareness of the application. Sufficient detailed plans and drawings have been submitted to allow the assessment of the planning application.

RECOMMENDATION

That the application be granted subject to conditions:-

1. Prior to the commencement of works on site, samples of all external materials to be use in construction shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority. For the avoidance of doubt, the use of a grey tile on the roof will not be acceptable.
2. The existing boundary hedge shall be retained at all times in the future unless its removal, wholly or in part, is approved in writing by the Planning Authority.

Reasons

1. To ensure the external materials are visually appropriate.
2. To maintain a consistency in the appearance of front boundary treatments within the vicinity, in the interests of visual amenity within the Conservation Area.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application Form
2. Application Plans
3. Inverclyde Local Plan
4. Proposed Inverclyde Local Development Plan
5. Planning Practice Advice Note (PPAN) 7
6. Proposed Planning Application Advice Note (PAAN) 4
7. Scottish Historic Environment Policy (SHEP)

8. Historic Scotland's Managing Change in the Historic Environment Guidance Notes
9. Scottish Government Planning Advice Note 71 (Conservation Area Management)
10. Letters of Representation



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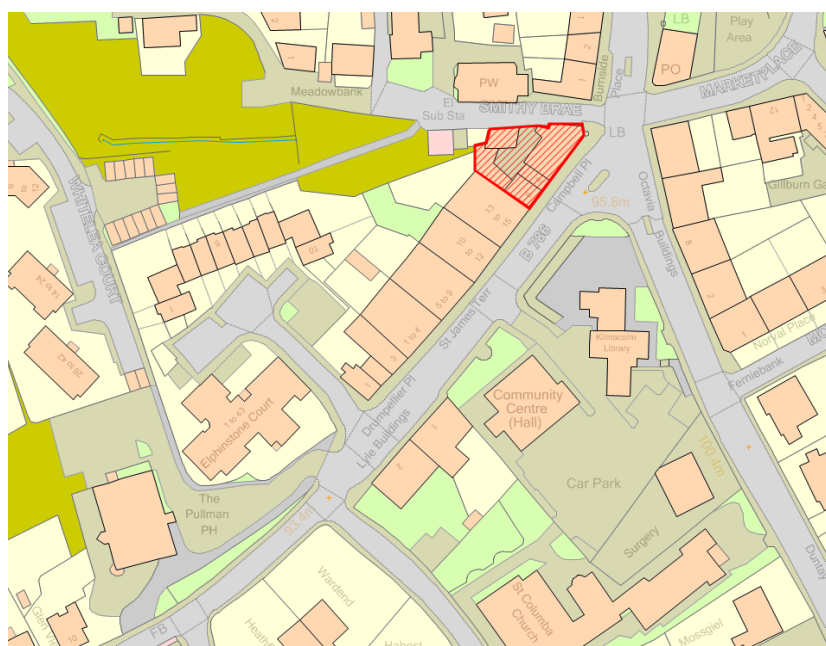
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|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------------------------------|
| Report To: | The Planning Board | Date: | 4 June 2014 |
| Report By: | Head of Regeneration and Planning | Report No: | 13/0379/IC Plan 06/14 |
| | | | Local Application Development |
| Contact Officer: | David Ashman | Contact No: | 01475 712416 |
| Subject: | Demolition and clearance of existing vacant redundant community building and shops and erection of a new building comprising two ground floor retail units, thirteen residential apartments above and ten ancillary basement car parking spaces at The Kilmacolm Institute, Lochwinnoch Road, Kilmacolm | | |

SITE DESCRIPTION

Located at Kilmacolm Cross, the site is currently occupied by the former Kilmacolm Institute building, two adjacent single storey shops both most recently used as grocers, and a disused garage to the rear that is accessed from Smithy Brae.

There is a range of buildings and land uses in the area. Immediately adjacent on Lochwinnoch Road is a red sandstone three storey row of tenements; a variety of shops and cafes occupy the ground floor while the two upper floor levels are principally in residential use. Directly across Lochwinnoch Road is the new community centre and doctors surgery, while across the road junction on Bridge of Weir Road there is a row of two and a half storey buildings with ground floor retail and business premises and principally residential flats above. Smithy Brae runs to the rear of the application site, across which is sited a café and a church.



PROPOSAL

All buildings are to be demolished and replaced by a three storey building as viewed from Lochwinnoch Road. The ground floor level provides two shop units (retail sales floor area of approximately 279 sq.m and 105 sq.m.). Thirteen two and a one bedroom flat are proposed above, including occupation of the roof space.

When viewed from Smithy Brae the building incorporates on the lower ground floor 10 car parking spaces, cycle and refuse stores, a basement storage area for one of the ground level shops and the entry point for the upper level flats.

Fronting Lochwinnoch Road, the building is finished mainly in fine jointed red ashlar stone with through coloured render, interspersed by four aluminium clad front window bays incorporating Juliet balconies. As the building turns the corner at the junction with Smithy Brae a white render finish is introduced which further diversifies into a wider range of materials on the rear elevation. The rear elevation facing Smithy Brae is finished in a mix of materials including rainscreen cladding, curtain walling, painted rubble whinstone and two variations of coloured render. The roof is finished in grey slate.

There is no parking provision for the shop units and servicing is proposed from Lochwinnoch Road.

DEVELOPMENT PLAN POLICIES

Local Plan Policy DS1 - Preference for Development on Brownfield Sites.

A sustainable settlement strategy will be encouraged by having a clear preference for all new development to be located on brownfield land within the urban areas of existing towns and smaller settlements.

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 R1- Designated Centres.

The following Centres are designated:

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

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

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

- (a) Kilmacolm (defined);
- (b) Dubbs Road, Port Glasgow (defined);
- (c) Sinclair Street, Greenock;
- (d) Belville Street, Greenock;
- (e) Lynedoch Street, Greenock;
- (f) Barrs Cottage (Inverkip Road/ Dunlop Street), Greenock;
- (g) Ravenscraig (Cumberland Walk), Greenock;
- (h) Cardwell Road, Gourock (defined);

- (i) Main Street, Inverkip;
- (j) Ardgowan Road, Wemyss Bay;
- (k) By Station/Pier, Wemyss Bay.

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

Local Plan Policy R2 - Support for Designated Centres.

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

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

Local Plan Policy R3 - Town Centre Uses.

The following town centre uses will be directed towards the Central Shopping Area of Greenock, the other two Town Centres (Port Glasgow and Gourock) and the Local Centres:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) Related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Outside these designated Centres, the above uses will be permitted in principle in the Outer Mixed/Commercial Area around the Central Shopping Area of Greenock Town Centre, according to the specification in Policy R5. Applications for any of the uses listed will be considered subject to the criteria outlined in Policy R10. Proposals for other uses in designated Centres will be considered on their merit.

Local Plan Policy R10 - Assessing Development Proposals for Town Centre Uses.

Any proposal for a development of one or more of the town centre uses identified in Policy R3, or for any other commercial use within a defined centre, will be required to satisfy the criteria listed below:

- (a) for developments on the edge of, or outside, the designated Centres, and retail developments on the edge of, or outside, Greenock's Central Shopping Area, the applicant should have adopted a sequential approach to site selection, including consideration of sites identified under Policy R6;
- (b) the applicant having demonstrated that there is a capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area, or a qualitative deficiency in existing provision;
- (c) the proposal should not have a detrimental effect, including cumulatively, on the vitality and viability of existing Centres;
- (d) the size and format of the development is appropriate to the Centre for which it is proposed;
- (e) the proposed development should be accessible by a choice of means of transport from its forecast catchment, make provision for improved infrastructure where deemed necessary, not result in unacceptable changes in travel patterns and, where required, be supported by the production of a Transport Assessment;
- (f) the proposed development should be to a high standard of design and its scale, siting and relationship to the surrounding townscape and land uses should make a positive contribution to the quality of the urban environment;
- (g) the proposal should not have a detrimental effect on residential amenity or on the amenity and effective operation of existing businesses;
- (h) the proposal should be consistent with other relevant national, Structure Plan and Local Plan policies and guidelines, including any Town Centre Strategy or other relevant initiative which may have been instigated, the Council's Roads Development Guide, 1995 and any other standards; and
- (i) in Greenock Town Centre the proposed development should be consistent with Policies R4 and R5.

Where the proposal includes either a convenience retail development of over 1,000 square metres gross; comparison retail development of over 2,000 square metres gross; or Use Class 11 (Assembly & Leisure) developments that will attract a large number of users, it should be accompanied by a statement of justification addressing the above criteria and the criteria set out in the Structure Plan and NPPG8. At the Council's discretion, applications for development within designated Centres or small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (a)-(d).

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

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 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 TCR3 -Town Centre Uses

The following town centre uses will be directed to the Central Area of Greenock Town Centre, Port Glasgow and Gourock Town Centres and the Local Centres, subject to Policy TCR7:

- (a) Use Class 1 (Shops);
- (b) Use Class 2 (Financial, Professional and other Services);
- (c) Use Class 3 (Food and Drink);
- (d) Use Class 11 (Assembly and Leisure); and
- (e) related uses such as public houses, hot food take-aways, theatres, amusement arcades and offices for taxis for public hire.

Policy TCR7 - Assessing Development Proposals for Town Centre Uses

To assist the protection, enhancement and development of the designated Centres, all proposals for the development of town centre uses identified in Policy TCR3, or for any other commercial uses within a designated centre, will require to satisfy the following criteria:

- (a) the size of the development is appropriate to the centre for which it is proposed;
- (b) it is of a high standard of design;
- (c) it has an acceptable impact on traffic management and must not adversely impact on road safety and adjacent and/or nearby land uses;
- (d) it does not have a detrimental effect on amenity or the effective operation of existing businesses;
- (e) it is consistent with any Town Centre Strategy or other relevant initiative; and
- (f) has regard to Supplementary Guidance on Planning Application Advice.

Proposals for town centre uses outwith the designated Centres, unless they are small scale development to meet local needs that are subject to Policy TCR10, must also demonstrate:

- (g) that no appropriate sequentially preferable site exists;

- (h) that there is capacity for the development in terms of expenditure compared to turnover in the appropriate catchment area;
- (i) that there will be no detrimental impact, including cumulatively, on the viability and vitality of the designated Centres (Policy TCR1); and
- (j) in the case of temporary street markets, the operation will be for a maximum of 13 days in any 12 month period.

Proposals for retail and leisure development over 2,500 square metres outwith the designated town centres and that are not in accordance with the Development Plan should be accompanied by a retail impact analysis, as should any town centre proposal that the Council considers likely to have a potentially detrimental impact on the vitality and viability of the designated Centres. At the Council's discretion, applications for small-scale development of town centre uses outwith the designated Centres may be exempted from the requirement to be justified against criteria (g) - (i).

Policy HER3 - Proposed New and Amended Conservation Areas.

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

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

CONSULTATIONS

Head of Environmental and Commercial Services - Insufficient parking spaces have been provided and complaints over parking in the area have previously been received. The application should be refused on the grounds it does not comply with the Guidelines and will result in an increased demand for on-road parking. Loading would have to take place either within parking bays, on double yellow lines or as double parking. The site is close to a junction and a pedestrian island. HGVs serving the shop could obscure pedestrian visibility of oncoming vehicles. The application should also be refused on the grounds that the proposal will be detrimental to vehicular and pedestrian safety. Flood risk issues have been largely addressed.

Head of Safer and Inclusive Communities - No objection subject to conditions in respect of Japanese Knotweed, contaminated land, waste storage arrangements, and lighting and noise assessment. Advisory notes are also suggested relating to site drainage, construction and other regulations. The consultation reply notes that several Class 3 uses are in the adjoining block and although not posing an issue at present could be problematic in the future if operations change.

Scottish Water - No objection subject to a series of advisory notes.

PUBLICITY

The application was advertised in the Greenock Telegraph on 17th January 2014 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application has been the subject of 12 representations, including from the Kilmacolm Community Council and the Kilmacolm Civic Trust. There is general support for the principle of redevelopment and for the building as it is considered that the appearance of the site presently detracts from the centre of Kilmacolm deterring passing trade, and that the condition of the former shop units is attracting vermin. Reservations are expressed, however, on the detail and operation of the proposal. The points of concern may be summarised as follows:

Building detailing

- Dressed rather than cast stone should be used on the finishes.
- The finishing materials on the walls and roof generally should match the adjacent tenements.
- The Juliet balconies facing the Cross may become visually unseemly with the storage of items. They are not sympathetic to the existing adjacent tenements and should be deleted.
- The roof space accommodation should be deleted from the proposal as this is untypical of Kilmacolm; alternatively roof windows should only be entertained on the Smithy Brae elevation.
- The white coloured finish to the building “turn” at Smithy Brae is inconsistent with the rest of the building. The windows in this part should be changed to a more traditional shape and finish.
- There is too much glazing on the shop windows.
- There are concerns over how the new building will connect to the existing tenement.

Parking, access, vehicular and delivery issues

- There is insufficient parking provision, consequently the total number of flats should be reduced.
- The reduction in the number of flats would allow two parking spaces for the proposed shop units.
- Servicing provision is unacceptable and will result in further congestion.
- Delivery times should be limited to minimise disruption.
- Visibility for cars exiting Smithy Brae will be compromised by delivery vehicles servicing the shops.
- The opportunity should be taken from the development to improve the quality of footway surfacing.
- There should be a footway provided on the Smithy Brae frontage.

Miscellaneous issues

- The flats should be for sale, not rent.
- If the proposal has a negative impact on the village there is concern over falling property values.
- Concern is expressed over safety and access for nearby residents during demolition.
- The letter box to the front of the existing building should be retained.
- The proposal is likely to cause disruption during construction and there should be a schedule for the works to limit the period of construction.
- There is support for the removal of the free-standing cctv mast and camera.
- The proposal could be set against the affordable unit provision identified in the proposed Local Development Plan for Smithy Brae.

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 letters of representation.

The application site is located within Kilmacolm village centre under Policy R1 of the Local Plan and the equivalent Policy TCR1 of the proposed Local Development Plan. As the proposal involves redevelopment of a previously developed site it is supported in principle by Policies DS1 of the Local Plan and SDS5 of the proposed Local Development Plan. The proposed mix of uses of Class 1 retail and residential is supported in principle by Policies R2 and R3 of the Local Plan and the equivalent Policy TCR3 of the proposed Local Development Plan. Notwithstanding the acceptability of redevelopment and the land uses proposed, the relevant criteria of Policy R10 of the Local Plan require to be assessed to determine the acceptability of the detail:

- (e) As the site is located in the village centre with immediate access to local facilities and is adjacent to a public bus route, the development presents no accessibility issues. This is a small scale infill development that does not justify the provision of improved infrastructure or, indeed, the submission of a Transport Assessment.
- (f) I consider the proposal to be a high quality design in accord with Local Plan Policy DS5. The building scale relates to the adjoining tenements and it follows a similar footprint to the existing buildings. The use of colours acknowledges the surrounding townscape, with the Lochwinnoch Road elevation reflecting the adjacent tenement and the turn at the junction with Smithy Brae using the white finish of the adjacent building on Port Glasgow Road. The character of Smithy Brae is somewhat different, allowing a mix of materials on the rear of the building to add visual interest.



Whilst noting the desire expressed in representation that facing materials match those adjacent, this is not an essential of successful townscape. Indeed, Kilmacolm Cross, which is a proposed conservation area in the Council's proposed Local Development Plan, achieves much of its visual attractiveness from the mix of building scales, colours, materials and ages presently evident.

The use of materials to complement rather than precisely match those used on more historical buildings is wholly appropriate, and the successful incorporation of a building into the townscape recognises the surroundings; the change of materials and colour as the building turns into Smithy Brae does that, seeking to acknowledge the adjacent coffee shop on Port Glasgow Road.

It is also appropriate that the building reflects the era of construction. The incorporation of detailing, such as the glass balconies, aluminium clad bays and the generally greater use of glazing on the shopfronts are reflective of more contemporary elements and make this a modern building, but the scale and use of colours and selected materials combine to contribute to and recognise the successful historic townscape. This is a technique used successfully on the new community centre buildings opposite.

It is not for the planning process to control the use of balconies, and in assessing the design, the incorporation of attic development does not detrimentally impact on the Lochwinnoch Road frontage; the aim is to complement, not copy the existing adjacent tenements. Overall, I consider that the proposal makes a positive contribution to the quality of the urban environment and, on this basis I conclude that the proposal accords with the aims of Policy HER3 of the proposed Local Development Plan, in that a conservation area designation does not prohibit new development but requires that development is appropriate in terms of design and setting.

- (g) The application site is in the village centre where there is a mix of commercial and residential uses. This development accords with the pattern of uses. Putting aside the previously addressed issues of design, the key impact relates to traffic matters; parking provision and shop servicing.

Kilmacolm village centre is a scene of continuous activity with on-street and off-street parking opportunities well used throughout the day. Until recently, two shops within the application site continued to trade and would have contributed to the demand for customer parking and servicing operations. The proposal has to be seen in this context. I consider that the proposed shop units are of such a size that they will continue to serve mostly local convenience shopping trade. The activity likely to be generated by these units is of a level that should be accommodated by the existing parking opportunities.

While it is not for the planning application process to take account of the potential actions of others in ignoring traffic regulations, it is noted that servicing of the existing retail and other businesses in the vicinity can involve vehicles double parking for short intervals. I also note the crossing island on Lochwinnoch Road forms a pinch point close to the junction with Port Glasgow Road and Bridge of Weir Road and that any goods vehicle parking close to the junction could cause unnecessary obstruction to vehicles on Lochwinnoch Road and hinder exit from Smithy Brae. Such conflicts are typical of historical village and town centres which do not have the luxury of dedicated servicing provision. Observations have shown that traffic in the village centre responds to the circumstances and the accident level is low. The applicant has also provided a service plan which illustrates that any period of disruption will be limited in duration.

Bearing in mind the shop units which formerly operated on the site, I have to consider whether the net increase in servicing that the development may bring will be so detrimental to road safety as to merit refusal of the application. I also have to consider that a balance has to be struck between protecting the amenity and operation of existing businesses and supporting the development of new opportunities that ultimately help to secure the long term vitality and viability of the village centre. It is my consideration that the new shop units have the potential to create some temporary issues for motorists during servicing, more particularly that of the larger of the two units, but that it is the type of temporary disruption that is presently experienced and which does not, overall, adversely affect the functioning of the village centre.

It is also acknowledged that the level of parking provision for the flats is less than the Roads Development Guide. Nevertheless, this is a village centre location and, as noted above, is serviced by public transport. Furthermore, there are off-street parking opportunities in the vicinity which are available.

On this basis, I would conclude that neither parking nor servicing associated with the proposed development would unacceptably impact on the amenity and effective operation of existing businesses. As a village centre location, the expectations of residential amenity and parking are somewhat more limited and I do not consider that the proposal would adversely impact those expectations to the extent that refusal of the application would be justified on this basis.

Overall, I conclude that the proposal can be supported with reference to the relevant criteria in Policy R10 of the Local Plan. Policy TCR7 of the proposed Local Development Plan sets out similar criteria to Policy R10.

I am satisfied that the proposal accords with the Local Plan and the proposed Local Development Plan. It remains to be considered, however, whether or not there are any material considerations which suggest that planning permission should not be granted.

Considering the consultation replies not yet addressed, most of the issues raised by the Head of Safer and Inclusive Communities can be resolved by conditions or advisory notes on a grant of planning permission. Although I note concerns over the future development of existing hot food related businesses in the vicinity and their possible impact on future residents, the application has to be considered on its merits at present. I note the Head of Environmental and Commercial Services is generally satisfied over matters related to drainage, although confirmation of final levels in the immediate vicinity of the lower ground floor parking area would be appropriate to ensure the parking spaces located therein are always usable. This matter may be addressed by condition.

Turning to the comments made under public representations that have not yet been addressed, I note concerns on how the proposed new building will connect to the existing tenement, on the control of demolition and safety and on accessibility during construction; these are matters not addressed as part of a planning assessment and will be considered under separate legislation. Although as part of this application the applicant proposes to provide a new narrow footway on Smithy Brae to the pedestrian entrance to the building, improvement of the other footways in the vicinity, the positioning of the letter box and the cctv support pole are outwith the applicant's control and therefore not material to consideration of the merits of the application.

I can also advise that retention of cctv is required in the interests of the safety and security of pedestrians, it is not within the Council's powers to set timescales for the completion of construction projects, there has been no indication from the applicant as to whether the flats are for sale or rent, and that perceptions of property values are not material considerations.

I therefore conclude that there are no material considerations which suggest that planning permission should not be granted, although I consider that some matters require to be controlled by conditions.

RECOMMENDATION

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

1. That prior to their use, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority.
2. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.

3. That the 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.
4. 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.
5. 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.
6. 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.
7. 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 retail 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.
8. 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 residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes in place.
9. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
10. A Noise Impact Assessment requires to be carried out in terms of PAN 1/2011. The report must contain where necessary, proposals to reduce noise levels within the housing.
11. 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.
12. Prior to commencement of construction of the building hereby permitted, final details of post-construction levels on and immediately adjacent to Smithy Brae shall be submitted to and approved in writing by the Planning Authority.

13. That the parking spaces within the building shall be completed and ready for use prior to occupation of any of the permitted flats.

Reasons

1. To ensure that the facing materials are appropriate in terms of finish and colour and reflect the location of the site within a proposed conservation area.
2. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
3. To satisfactorily address potential contamination issues in the interests of environmental safety.
4. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.
5. To ensure that all contamination issues are recorded and dealt with appropriately.
6. To protect receptors from the harmful effects of imported contamination.
- 7 & 8. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
9. To protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
10. To protect the amenity of occupiers of premises from unreasonable noise and vibration levels.
11. To control runoff from the site to reduce the risk of flooding.
12. To ensure that post-construction levels are adequate to ensure surface water does not penetrate into the lower level of the building.
13. To ensure the provision of the proposed parking spaces.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's supporting information.
3. Inverclyde Local Plan.
4. The proposed Inverclyde Local Development Plan.
5. Consultation replies.
6. Letters of representation.



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