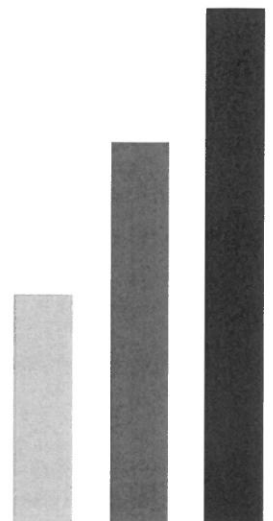


# Agenda 2015

# Planning Board

For meeting on:

4	February	2015
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**A meeting of the Planning Board will be held on Wednesday 4 February 2015 at 3pm within the Municipal Buildings, Greenock.**

GERARD MALONE  
Head of Legal & Property Services

**BUSINESS**

**\*\*Copy to follow**

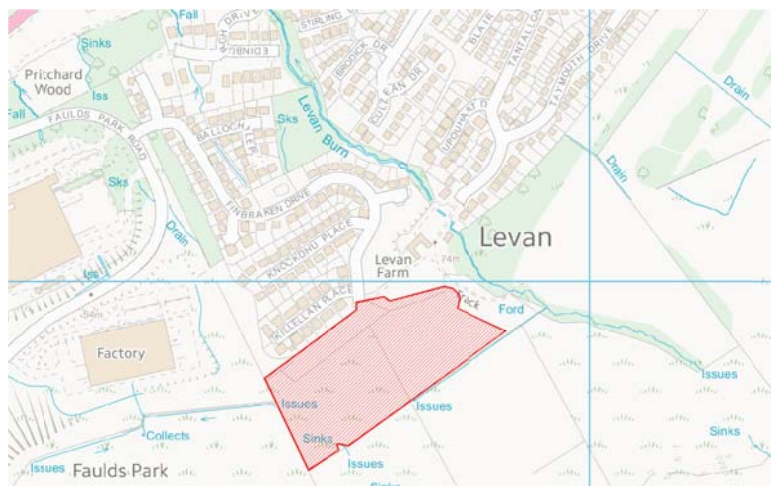
1. <b>Apologies, Substitutions and Declarations of Interest</b>	Page
<p>2. <b>Planning Applications</b> Reports by Head of Regeneration &amp; Planning on applications for planning permission as follows:-</p> <p>(a) <b>Inverclyde Council</b> ** Construction of a community centre, 3G all-weather playing field, 24 car parking spaces and external space for community events: Recreation Ground, Main Road, Inverkip (IC/0360/IC)</p>	
<p>(b) <b>Westminster Investments</b> Erection of 26 detached dwellinghouses, including formation of access roads and landscaping works: Levan Farm, Gourrock (14/0372/IC)</p>	p
<p>(c) <b>Scottish Prison Service</b> Construction of new prison with associated infrastructure, servicing and access arrangements: Glenburn School, Inverkip Road, Greenock (14/0366/IC)</p>	p
<p>(d) <b>Drum Property Group Ltd</b> Demolition of existing buildings and erection of residential development and associated access, parking, landscaping and engineering works: Former Naval Depot and Coastguard, Eldon Street, Greenock (14/0302/IC)</p>	p
<p>(e) <b>G.W.M Balrossie Ltd (in Administration)</b> Proposed redevelopment and refurbishment of Listed Buildings to provide residential accommodation; proposed alterations to Listed Buildings together with selective demolition works and proposed construction of 33 houses (in principle) within parts of the associated grounds: Balrossie House, Blacksholm Road, Kilmacolm (12/0252/IC, 12/0022/LB and 12/0254/IC)</p>	p
<p>Enquiries to - <b>Rona McGhee</b> - Tel 01475 712113</p>	

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4th February 2015</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>14/0372/IC Plan 02/15</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Erection of 26 detached dwellinghouses, including formation of access roads and landscaping works at Levan Farm, Gourock</b>		

**SITE DESCRIPTION**

The site is an area of open countryside on the hillside above Gourock. It extends to approximately 4.1ha and is immediately to the south of the Levan Farm steading and the residential area accessed from Finbracken Drive.

Finbracken Drive is accessed from the steeply sloping Faulds Park Road, and continues to rise up the hillside. The application continues this rise towards the brow of the hill.



**PROPOSAL**

The application relates to Area 1 of the Levan Farm Masterplan referred to in Condition 4 of outline planning permission IC/01/0003, granted in 2006. In 2009 permission was granted to extend this outline planning permission for a further three years. At this time planning permission was also granted to delete condition 5 of the 2006 permission which required the adoption of the road network within Levan Farm Phase 1, including the link road for emergency vehicles between Finbracken Drive and Tantallon Avenue. In August 2012 planning permission in principle for the residential development of the 22ha site was extended for a period of a further three years. This permission relates to a residential development of a 22ha site, of which this application is the first phase of 4.1ha.

This first phase proposes the construction of 26 four bedroom detached houses accessed from an extension of Finbracken Drive with two cul-de-sacs extending westwards from it. There are nine detached house types in the development. On the first cul-de sac off the extended Finbracken Drive, four houses are proposed in "end-on" configuration. They back onto the rear gardens of houses in Killellan Place. On the next cul-de-sac there is development on both sides of the street with 17 houses, also in "end-on" configuration. Development on the extension to Finbracken Drive is limited to four houses on the north/east side of the street. These houses are set below street level, with the roof ridges running approximately parallel to street level. Generally, the houses have been arranged to maximise views towards the Clyde Estuary.

Due to the sloping character of the site, the houses are all of split level design and built over three floors. Each has a double garage (either detached or integral) and driveway parking. Finishing materials comprise stone, render, slate, timber and lead.

The proposed layout incorporates a large area of open space along its south-western edge. A burn runs north-east to south-west through this open space terminating in a sustainable urban drainage system (SUDS) pond at its north-west corner. Landscaping details submitted confirm that two areas of woodland planting are to be formed within the open space, comprising thicket planting. The submitted plans further indicate that play provision shall be outwith the phase of development under consideration in this report.

Accompanying the planning application are a Supporting Planning Statement, a Design & Access Statement, a Drainage Strategy Report, a Noise Assessment, a Landscape Design Statement & Maintenance Schedule Report and a Transport Compliance Statement.

## **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 ENV3 - Safeguarding and Enhancing the Green Network**

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

The provision of the Green Network should be a core component of any master plan or Local Development Framework. Where development proposals would encroach upon or undermine the green network, alternative routes and green space will be expected to be provided or enabled. The

Council will also seek to complete the following Green Network links as shown on the Proposals Map:

- (a) Custom House Quay, Greenock - Clyde Muirshiel Regional Park
- (b) Victoria Harbour, Greenock - Clyde Muirshiel Regional Park
- (c) Coronation Park, Port Glasgow - Clyde Muirshiel Regional Park
- (d) Spango Valley (Valley Park) - Clyde Muirshiel Regional Park
- (e) Inverclyde Coastal Route: Inverkip Power Station - Ardgowan Road/Brueacre Road
- (f) Kempock Point, Gourrock and James Watt Dock - Graving Dock, Greenock

#### Policy ENV8 - Water Quality and the Water Related Environment

Proposals for all developments should have regard to their potential impact on the water environment, and specifically to the Clyde Area Management Plan (2009 - 2015) (and future reviews) which supplements the River Basin Management Plan for Scotland. In particular there should be no deterioration to the quality of any water body, and where possible sustainable improvements will be sought. In this regard the Scottish Environment Protection Agency (SEPA) will be consulted by the Council where appropriate. The culverting of watercourses should be avoided wherever possible. Where culverts currently exist, they should be opened up as part of any development, if appropriate and practicable.

#### Policy INF2 : Energy Efficiency

Support will be given to all new buildings designed to ensure at least 10% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. The percentage will increase to at least 15% by the end of 2016.

Other solutions will be considered where:

- (a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- (b) there is likely to be an adverse impact on the historic environment.

Excluded from this requirement are:

- (c) buildings that have an intended life of less than 5 years; or
- (d) stand-alone ancillary buildings of less than 50 sq m; or
- (e) buildings which will not be heated or cooled other than for the purposes of frost protection.

Note: It is recognised that Building Standards may change during the lifetime of this Plan. The requirements are therefore percentages of the Building Standard in operation at the time applications are determined.

#### 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 (FRA) 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.

Note: refer to Glossary for FRA and other technical terms.

#### 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.

PAAN3 "Private & Public Open Space in New Residential Development" applies.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** - No objections, including upon the issue of flood risk. All houses within the development have off-road parking for three or more cars. The roads within the development are potentially adoptable. The spine road should have 2m wide footways on either side. The cul-de-sacs should have a 5.5m wide carriageway with 2.0m wide footways on either side or shared surfaces with 2.0m wide verges either side.

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

**Council's Landscape Advisors**- Overall the landscape proposals are fit for purpose, if somewhat lacking in diversity.

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

## **PUBLICITY**

The application was advertised as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Eight written representations have been received. They raise objections to the proposal. The objectors are concerned that:

- The road fabric and road safety on Finbracken Drive and residents amenity shall be compromised by construction traffic. Finbracken Drive is difficult for vehicles to travel in winter conditions and is under strain from the amount of vehicles which travel on it. A temporary construction route should be formed as was done to construct the Persimmon and Charles Church houses following completion of the first phase by Cala Homes. Residents may block Finbracken Drive, as they did previously, if there is an attempt to use it as a construction route.
- Parked school buses and lorries associated with the Faulds Park industrial estate create congestion on Faulds Park Road.
- The emergency vehicle access through Levan Farm should be opened up to improve access for residents.
- A stream running through the site must be dealt with appropriately and not cause problems with excess water downstream.

- There is no market requirement for the proposed houses.
- Light and privacy of houses on Killellan Place shall be compromised.
- A new park, community centre and improved telecommunication networks should be provided.
- The proposed house designs are unsympathetic to those existing.
- There is a risk of coalescence of settlements between Gourrock and Greenock.

## ASSESSMENT

The outline planning permission for this site followed the Inquiry Reporter's acceptance of the applicant's objection to the Inverclyde Local Plan: First Review Final Draft, published in 2002, and subsequently considered at the Local Plan Inquiry in 2004. The Inquiry Reporter recommended that the site be included within a larger site for up to 150 houses, and this was accepted by the Council by being incorporated in Policy H5 of the Local Plan. The Plan was adopted in 2006, supporting residential development of the site.

The Local Plan was superseded by the Local Development Plan in August 2014. Policy RES3 of the Local Development Plan is consistent with policy H5 of the former Local Plan in identifying a site with a capacity for 150 houses. On this basis, the principle of residential development of this site is compliant with planning policy.

The 2006 outline planning permission has fourteen conditions attached, and was accompanied by a Master Plan and Landscape Strategy Plan. Condition 4 of the outline planning permission requires development to proceed substantially in accordance with these plans. Overall, the acceptability of the detail of this development rests on the assessment of the planning conditions attached to the 2006 permission and reflected in the subsequent renewal of permission in 2009 and 2012. The assessment of compliance with the conditions is done with reference to associated policies in Local Development Plan.



Condition 1 reserves the siting, design and details of buildings, details of access arrangements and details of landscaping. Policy RES1 seeks to safeguard and, where practicable enhance residential amenity and character. Proposals for new residential development require to meet a range of criteria. The relevant criteria in this instance are (a) compatibility with the character and amenity of the area; (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement; and (f) having regard to Supplementary Guidance on Planning Application Advice Notes. The Council's PAAN3 on Private & Public Open Space In New Residential Development is also of relevance.

Considering compatibility with the character and amenity of the area, I note that the size of plots and separation between houses exceed that in the adjoining residential area and that that the proposed houses are of varied individual design, employing natural materials in their external finish. That said, it is a feature of the proposed layout that most of the houses are constructed close to the street and, as a result there is a departure from the design guidance in PAAN3 as the

minimum front garden length of 6m is not met. I am however satisfied that this is satisfactorily compensated by the provision of wide side gardens and the positioning of houses to avoid direct window intervisibility. This combined with the site slope, aims to maximise views between gaps in the houses towards the Clyde Estuary. Accordingly, I consider this departure from design guidance to be acceptable. While I note representations from neighbours in Killellan Drive, separation between the nearest houses in the development and their houses meet the design guidance in the Council's PAAN3.



Considering the requirement to comply with the Council's Roads Development Guide and the Scottish Government's "Designing Streets" I note that the Head of Environmental & Commercial Services raises no objections to the proposal. I note the letters of objection, but Finbracken Drive is an adopted road and any traffic, including construction traffic may make use of it. The link constructed between Tantallon Avenue and Finbracken Drive is for use by emergency vehicles in emergency situations only when access by Faulds Park Road is blocked. Overall, I am satisfied that assessed against the Local Development Plan, the detail submitted in respect of condition 1 is acceptable.

Condition 2 requires the application for matters specified by condition to be submitted within three years of planning permission in principle being granted. The renewal of the permission ensures compliance. Condition 3, which relates to the commencement of development is linked to the timing in condition 2.

Condition 4 requires development to proceed substantially in accordance with the Landscape Strategy Plan and the Levan Farm Master Plan, which were to be amended to incorporate the recommendations of a golf course architect to address stray golf balls from Gourrock Golf Club, the provision of a public access route along the Levan Burn, and the provision of public access routes to the countryside adjoining the western and southern site boundaries. The proposed first phase of development meets the requirement insofar as applicable. Gourrock Golf Club is not adjacent to this development phase, the Levan Burn is not within it, and the proposed layout affords access to the countryside to the west. Policy ENV3 seeks to safeguard and enhance the Green Network and advises that the Green Network should be a key component of any master plan. As such access to the countryside from this part of the development is unimpeded, and with there being requirements elsewhere within the larger housing site for this provision, I am in agreement with the Supporting Planning Statement's conclusion that the proposal makes a positive contribution to the Central Scotland Green Network.

Condition 5 was deleted by planning permission 09/0066/IC granted in May 2009.

Condition 6 requires development to proceed in accordance with Bat & Bird Impact assessment 2005. The Supporting Planning Statement confirms that this shall be done.



Condition 7 requires the agreement of flood attenuation proposals before development commences. There are no objections to the proposal and Drainage Strategy report from SEPA and the Council's flooding officer.

Condition 8 requires noise attenuation proposals to protect the Faulds Park industrial development from noise complaints. There are no objections to the proposal and submitted Environmental Noise Assessment from the Head of Safer & Inclusive Communities.

Condition 9 requires the site to be landscaped substantially in accordance with Landscape Strategy Plan and the inclusion of an equipped play area. In examining the Strategy, PAAN3 further requires open space to be provided at a ratio of 1.64ha per 1000 population. The proposed layout meets this requirement. It is also noted in the Supporting Planning Statement that a centrally located play area is to be provided in a subsequent phase of the development in accordance with the Masterplan. With reference to criterion (b) of Policy RES1, the Council's landscape advisors confirm that the landscape proposals are fit for purpose. Key to the overall landscape setting of the houses, I consider, is the amenity afforded to the setting of the houses by the thicket planting proposed along the south-western boundary of the north-westernmost cul-de-sac.

Condition 10 requires that development should not commence until maintenance details for landscaping have been agreed. The Council's landscape advisors have offered no objections to the proposed maintenance regime contained within the submitted Landscape Design Statement & Maintenance Schedule Report. This meets the terms of Policy RES1(b). In ensuring the long term amenity of the area, compatible with Policy RES1 condition 11 requires that a bond be submitted to cover the costs of implementing the approved scheme of landscaping. The applicant has agreed to submit a bond.

Condition 12 reserves the choice of finishing materials. While I am content with the generalities of the proposed finishing materials, I consider it prudent to reserve their precise choice by a further condition.

Condition 13 restricts the overall number of houses in the area of the outline planning permission to 150. This first phase of 26 houses accords with this requirement.

Condition 14 requires details of any areas proposed for exclusion from statutory access rights to be agreed by the Planning Authority before commencement of development. No exclusions are proposed.

While the proposal meets the conditions of the outline planning permission, I also note the following with reference to the Local Development Plan.

- Policy RES1 (e) requires the provision of adequate services. No service providers object to the details of the development.
- Policy ENV8 requires developments to have regard to their potential impact on the water environment. SEPA's non-objection to the proposal, I consider determines that policy ENV8 is satisfied.
- Policy INF2 requires all new buildings to be designed with low and zero carbon generating technologies. The Supporting Planning Statement confirms that the proposed houses will meet this policy.
- Policy INF4 advises that development will not be acceptable where it is at risk of flooding or increases flood risk elsewhere. SEPA and the Council's flooding officer have raised no objections to the application and the accompanying Drainage Strategy Report.
- Policy INF5 requires developments to be drained by appropriate Sustainable Urban Drainage Systems (SUDS). The proposal incorporates a SUDS pond in the burn passing through the open space on the west side of the site.

It rests now to consider outstanding points raised in letters of representation. I can advise that the marketability of the proposed houses is not a material planning consideration; there is no requirement for a community centre stemming from the conditions attached to the outline planning permission for the site; there is no responsibility from the developer towards telecommunications networks and there is no proposal to extend the site any nearer to Greenock outwith the site boundary first approved in 2006 and as reflected in the Local Development Plan.

Overall, I consider that the proposal merits support.

## **RECOMMENDATION**

That the application be granted subject to conditions

1. 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.
2. 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.
3. 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 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.
4. 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.
5. 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 material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
6. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.
7. The landscaping scheme hereby approved shall be completed in the first planting season following completion of the 26 houses and any specimens which in the subsequent 5 years

die, become diseased or are damaged shall be replaced in the next planting season unless the Planning Authority gives its prior written approval to any alternatives.

8. No development shall commence until a bond to cover the cost of implementing the approved landscaping scheme has been concluded with the Planning Authority.

#### Reasons

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address potential contamination issues in the interests of environmental safety.
3. To provide verification that remediation has been carried out to the Authority's satisfaction.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination.
6. To ensure a continuity of finishing materials in this part of Gourrock.
7. To ensure a quality landscape setting for the development.
8. To ensure the provision of the approved landscaping scheme.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form
2. Application plans
3. Local Development Plan
4. PAAN 3 Private and Public Open Space In New Residential Development
5. Supporting Planning Statement
6. Landscape Design Statement & Maintenance Schedule Report
7. Design & Access Statement
8. Drainage Strategy Report
9. Environmental Noise Report
10. Transport Compliance Statement
11. Planning permission IC/01/003
12. Planning permission 09/0066/IC
13. Planning permission 09/0162/IC
14. Planning Permission 12/0166/IC



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applications have addressed the new vehicular access, fencing, flooding and drainage arrangements and the main soft landscaping scheme. The current application is for the proposed buildings, the prison wall and parking provision.

The prison wall, which is to be of pre-cast concrete construction with an average a height of approximately 4.5m, is set back a minimum of 35 metres from Inverkip Road. Intervening soft landscaping has previously been approved under planning permission 14/0037/IC.

Five buildings are sited within the prison wall; the "Entry Building" which is on three storeys and rises to a height of approximately 11m, the "Prisoner Services Building" which is approximately 62m long and on two storeys, rising to a height of approximately 9.5m and three "Accommodation Blocks", two of which are on four storeys and are approximately 15.5m high, and one which is on three storeys and approximately 11.5m high. The buildings are set within a mix of soft and hard landscaped grounds.

The two buildings outwith the prison walls are the "Family Help Hub" (single storey, measuring approximately 22m by 8m with a monopitch roof rising to approximately 4.3m high) and the "Community Integration Unit" (two storeys and approximately 18m by 8.5m by 7.3m high). These buildings are located either side of the vehicular entrance from Inverkip Road.

The buildings are typically finished mainly in buff facing brick with aluminium standing seam roofing. There is a greater use of curtain walling on the Entry Building and buff facing blocks on the Accommodation Buildings. Other incidental finishing materials, such as timber effect rainscreen boarding, are also proposed.

Car parking is to be concentrated close to the eastern site boundary and will consist of 40 public spaces and 135 staff spaces. The car parks will be set within a soft landscaping framework.

The site is to be lit through a combination of lighting columns, lighting bollards and building eaves lighting. Car park lighting, which is nearest to the adjoining neighbouring residential properties, is to be switched off during night hours.

## **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.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** - Objection on grounds of road and pedestrian safety. Reference is made to an earlier permission on the site which requires trunk road modifications to comply with the Disability Discrimination Act. It is pointed out the DDA requires bus stops for new developments of no more than 400 metres spacing. An additional bus stop is required or the legislation will be contravened. The Road Safety Audit, prepared as part of the previous permission, identifies the safety issue related to bus stops but the applicant has thus far not addressed the issue.

**Head of Safer and Inclusive Communities** - No objection subject to conditions relating to Japanese Knotweed, contaminated land, odour disposal, waste container details and controls on external lighting, and advisory notes in respect of construction hours, vermin control, construction management, surface water, gull control and food safety legislation.

**Scottish Environment Protection Agency West** - No objections to the proposed buildings or associated works. Flooding related issues were address under an earlier planning application.

**Transport Scotland** – No objection.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 14th November 2014 as a Schedule 3 development and as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

No representations have been received.

## **ASSESSMENT**

This assessment of this application may not consider the principle of developing a prison on this site; only the acceptability of the detailed elements submitted can be considered. These details require to be assessed with reference the Local Development Plan, the consultation replies, the visual impact of the proposed buildings and prison wall, and the impact on residential amenity, particularly with reference to the position and design of the proposed car parking layout.



The planning permission in principle for a prison on this site is recognised in the Local Development Plan under policy MAC 1-7 and the associated Supplementary Planning Guidance on Local Development Frameworks. Nevertheless, the issues of design and visual impact, residential amenity and traffic impact require to be addressed.

Assessing design and visual impact, substantial school buildings have been accommodated on this site until recently, the tallest of which was 4 storeys and located to the rear of the site. This is reflected in the prison layout, with the tallest buildings sited at the rear of the site furthest from Inverkip Road and housing. The two buildings and the part of the prison wall closest to the front of the site have a more immediate visual impact when viewed from Inverkip Road, but I consider the

design of the proposed buildings to be visually acceptable. There is no doubt that the prison wall will be a dominant feature and the external finish has to be carefully controlled to address amenity concerns. An uncoloured pre-cast concrete finish will not be visually acceptable. The applicant is aware of this and is agreeable to the finished external finish being the subject of a suspensive condition. I am therefore satisfied that the visual impact can be addressed by control over the finished external appearance and softened by the previously approved landscaping scheme, which consists of staggered hedge row and tree planting along the development site frontage to the rear of the footway and vehicular visibility splay on Inverkip Road. The trees will be a mixed species of heights up to 3.5m and will be planted within the hedge row at irregular intervals.



The prison building closest to the nearest houses on Aileymill Gardens is the Community Integration Unit at approximately 24 metres. This two storey building is of domestic scale and appropriate design and, I consider, will have a visually acceptable relationship with the nearest houses. The accommodation buildings are approximately 85 metres from the nearest houses. Although they are the highest proposed buildings I consider that the intervening distance reduces their visual impact on the nearest houses to an acceptable level.

The closest car parking is approximately 11 metres from the nearest house, with vehicular activity and lighting potentially impacting on residential amenity. I am reassured, however, by information from the applicant that car park lighting will be switched off after 9pm with no significant vehicular movements in the normal course of events between then and 7am. This is in line with Scottish Prison Service practice across Scotland. The operation of the car park lights may be controlled by condition.

The planning permission in principle 10/0346/IC considered traffic impact with the detailed access and egress arrangements to the car park approved by planning permission 13/0065/IC, all to the satisfaction of Transport Scotland. It is Transport Scotland which is responsible for road safety and the flow of traffic on this section of Inverkip Road. I note the concerns expressed by the Head of Environmental and Commercial Services over the provision of bus stops, however this application is not considering this matter. Bus stop provision is being progressed by the applicant in discussion with Transport Scotland and the Head of Environmental and Commercial Services under the terms of planning permission 10/0346/IC. The separate determination of this application does not prejudice this.

I am therefore satisfied that with reference to impact on both residential and overall amenity, the details submitted are acceptable and that the matters raised in consultation replies may all be addressed by conditions or advisory notes on a grant of planning permission.

## RECOMMENDATION

That the application be granted subject to the following conditions:

1. That prior to their use, samples of all facing materials including on the external face of the prison wall shall be submitted to and approved in writing by the Planning Authority and shall thereafter be used unless alternatives are agreed in writing by the Planning Authority.
2. That the finalised details of Japanese Knotweed treatment on the site shall be submitted to and approved in writing by the Planning Authority upon completion of treatment works.
3. 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.
4. 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.
5. 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 material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
6. The development shall not commence until a detailed specification regarding the collection, treatment and disposal of cooking odours has been submitted to and approved by the Planning Authority. Such specification shall include precise details on the location of equipment used for the cooking and heating of food, canopies, grease filters, rates of air movement over the canopy, make-up air, air disposal points etc.
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 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. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
9. That the lights within the car parks shall be switched off between the hours of 9pm and 7am.

## Reasons

1. In the interests of visual amenity.
2. To verify the efficacy of the treatment programme.



3. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination.
6. To protect the amenity of the immediate area and prevent the creation of odour nuisance.
7. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
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.
9. In the interests of the amenity of neighbouring residents.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Development Plan.
3. Consultation replies.
4. Planning permissions 10/0346/IC, 13/0065/IC, 13/0074/IC, 13/0294/IC and 14/0037/IC



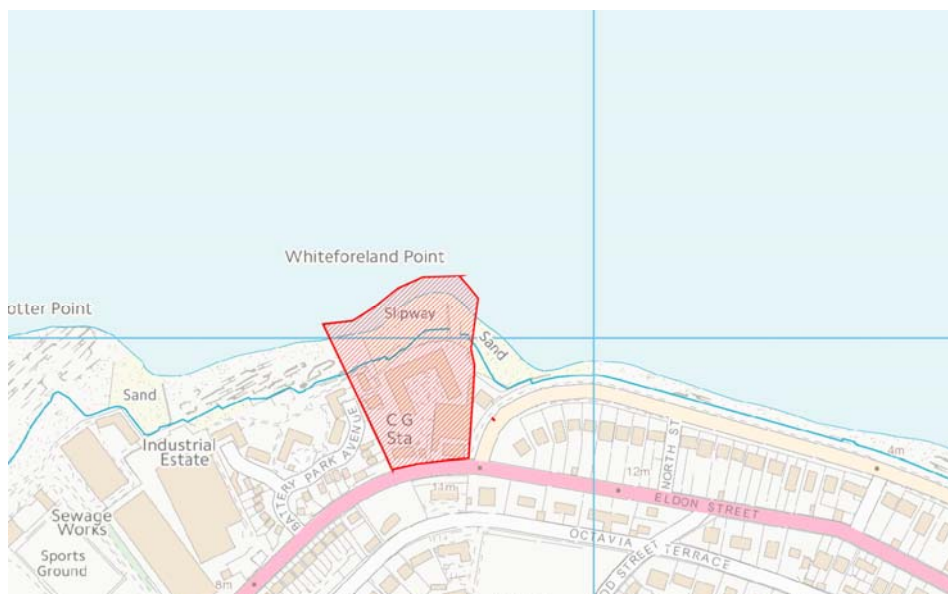
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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4<sup>th</sup> February 2015</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>14/0302/IC Plan02/15</b>
			<b>Major Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Demolition of existing buildings and erection of residential development and associated access, parking, landscaping and engineering works at Former Naval Depot And Coastguard, Eldon Street, Greenock</b>		

**SITE DESCRIPTION**

The application site covers approximately 2.13ha and is positioned below street level on the north side of Eldon Street at Whitefarland Point, set between flats and houses at Battery Park Avenue to the west and the category B listed Royal West of Scotland Amateur Boat Club (RWSABC) clubhouse to the east. The site is currently occupied by the four storey U-shaped former Navy Building, which has a flat roof and is finished in dark red/brown brick. Also within the site is a range of ancillary warehouses, stores and garages of varied construction. Vehicular access is via a ramp from Eldon Street. A concrete slipway provides access to the Firth of Clyde. Site boundary treatment is of mixed design. Approximately 2.3m high stone walling and steel railings run parallel to Eldon Street. At the boundary with the Battery Park Avenue flats and houses is a 4m high weldmesh and razorwire fence with cranked concrete posts. An approximately 2m high, white painted stone wall with an approximately 2.5m high cranked concrete post, mesh and razorwire fence on top is at the boundary with the RWSABC clubhouse. A retaining wall of up to approximately 1.5m in height with a security fence on top (similar to that at the RWSABC clubhouse) runs parallel to the beach.



## **PROPOSAL**

It is proposed to demolish all buildings within the site and to construct five residential buildings, varying between four and six storeys high and providing eighty eight two bedroom and ten three bedroom flats. The buildings, which are set within a grassed area set back from the beach, incorporate substantial areas of glazing and have wall finishes in a variety of light coloured facing brick. The upper storeys are finished in pale grey metal cladding. All flats are equipped with a balcony and each building has its own walled bin storage area.

Intervening between the Eldon Street boundary and the buildings is a landscaped 163 space car park, which is entered via a ramp from Eldon Street at the existing site entrance. The entrance is widened to allow two way traffic and the incorporation of a footway. A right turn storage lane on Eldon Street is proposed for vehicles approaching from the east along with a pedestrian refuge point. Three paths run between the flatted buildings to link from the car park to a coastal path and the existing slipway.

Boundary treatment around the site is varied in design. Along the waterfront a 1.1m high 3 bar curved aluminium balustrade is to be provided to protect the drop from the retained edge to the beach. Parallel to Eldon Street the stone retaining walling is to remain and be repaired as required and railings are to be replaced with powder coated mild steel equivalents. To the rear of the retaining wall, fronting the car park, two landscaped terraces are to be formed with stone filled gabion baskets. At the boundary with the RWSABC clubhouse stone walling is to be retained and repaired as necessary, and the security fence on top of the wall removed and replaced for part of its length with steel railings matching those on the Eldon Street frontage. The curved aluminium balustrade along the waterfront also extends partially along this boundary. At the boundary with Battery Park Avenue the 4m high security fence is to be removed and replaced by a 1.8m high close boarded timber fence and parallel hedge. The fencing extends down the slope to the beach preventing footpath access between the site and Battery Park Avenue.

Accompanying the planning application are a Pre-Application Consultation Report, Design and Access Statement, Trip Rate Analysis, Flood Risk Assessment, Transport Statement, Geotechnical and Geo-Environmental Report, Ecology Report and photomontages to illustrate the development in context with its location and height relative to the existing buildings on the site.

## **LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy SDS3 - Place Making**

High-quality place making in all new development will be promoted by having regard to Inverclyde's historic urban fabric, built cultural heritage and natural environment, including its setting on the coast and upland moors. This heritage and environment will inform the protection and enhancement of Inverclyde by having regard to the Scottish Government's placemaking policies, in particular through the application of 'Designing Places' and 'Designing Streets' and through embedding Green Network principles in all new development.

### **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 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 RES2 - Development on Urban Brownfield Sites

Development on brownfield sites for housing and community uses in the residential areas identified on the Proposals Map, and in particular the designated renewal areas, will be supported where it accords with Policies RES1 and RES5, except where:

- (a) an alternative use of greater priority or significant social and/or economic/employment benefit is identified; or
- (b) an alternative use is identified through an agreed area renewal initiative (refer Policy SDS7); or
- (c) it would result in an unacceptable loss of designated and locally valued open space (refer Policy ENV4).

Note: the designated renewal areas referred to are the "Major Areas of Change" and "Areas of Potential Change" depicted on the Proposals Map.

#### 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 HER5 - The Setting of Listed Buildings

Development will be required to have due regard to the effect it has on the setting of, and principal views to, listed buildings and shall be without detriment to their principal elevations and the main approaches to them. All proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

#### Policy HER7 - 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.

#### Policy ENV3 - Safeguarding and Enhancing the Green Network

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

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

- (a) Custom House Quay, Greenock - Clyde Muirshiel Regional Park
- (b) Victoria Harbour, Greenock - Clyde Muirshiel Regional Park
- (c) Coronation Park, Port Glasgow - Clyde Muirshiel Regional Park
- (d) Spango Valley (Valley Park) - Clyde Muirshiel Regional Park
- (e) Inverclyde Coastal Route: Inverkip Power Station - Ardgowan Road/Brueacre Road;
- (f) Kempock Point, Gourrock and James Watt Dock - Graving Dock, Greenock.

#### Policy ENV7 - Biodiversity

The protection and enhancement of biodiversity will be considered in the determination of planning applications, where appropriate. Planning permission will not be granted for development that is likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.

Inverclyde Council, in conjunction with its partners, will continue to develop habitat and species action plans through the approved Local Biodiversity Action Plan (LBAP) in order to manage and enhance the biodiversity of the Inverclyde area.

#### 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 (FRA) 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.

Note: refer to Glossary for FRA and other technical terms.

#### 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.

PAAN3 "Private & Public Open Space in New Residential Development" applies.

## **CONSULTATIONS**

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

**Scottish Water** - No objections.

**Head of Environmental and Commercial Services** - No objections subject to a condition requiring the right turn storage lane and pedestrian refuge on Eldon Street detailed in drawing PL01 Rev A to be completed prior to any of the flats being occupied. The Flood Risk Assessment and the drainage proposals are acceptable.

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

**Inverclyde Local Access Forum** - Clarification is required that the paths, walkways and slipway are available for public use, that the roads within the development are to be adopted and how access to the slipway for emergency vehicles is to be controlled. It would be a missed opportunity to not allow access to the foreshore and slipway. Vehicular access to the slipway should be considered. Providing more access to the beach via the new development would complement the access via the RWSABC, Battery Park Avenue and the Battery Park and provide an informal coastal walking link between the Esplanade and the Battery Park. A condition should be attached requiring public access and consideration given to the formation of a formal route. A metal fence on top of a groyne on the beach no longer has a purpose and should be removed to allow safe access.

**Greenock West End / Cardwell Bay Community Council** - The existing fence between Battery Park Avenue and the proposed development should remain. The height and density of the proposed residential units would result in houses in Battery Park Avenue being overlooked. The flats are out of character with adjacent housing. There should be no coastal path link to Battery Park Avenue.

**Council's Landscape Advisors** - No objections subject to conditions requiring the effectiveness of landscape drainage to be reviewed 12 months after planting, the submission of a fully detailed planting plan and the submission of fully detailed external lighting proposals.

**Council's Archaeological Advisor** - No objections subject to the attachment of a condition as follows:

No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of the archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority and its archaeological advisor.

**Scottish Power** - No objections. SP Distribution reserve the right to protect and or deviate apparatus/cables at the applicant's expense.

## **PUBLICITY**

The application was advertised as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

A total of 100 written representations have been received. They comprise a standard “mandate” signed by 75 individuals, 7 letters and 18 online comments.

### Comments in favour of waterfront access

- The public should have unimpeded access to all roads, paths, the beach and the slipway within the site with associated benefits to health and the environment.
- Access (including vehicular access) to the slipway should be for the wider community.
- The waterfront should be returned to the public in order to promote water sports now that it is no longer required as a secure area.
- Development and public access can proceed mutually but the development should not take the river and beach into private ownership.
- There should be no blockage of access between the development and Battery Park Avenue in order to allow coastal walks, beach access and enjoyment of views.
- RWSABC may be attempting to secure exclusive use of the slipway.

### Comments against waterfront access

- There should not be access between the development and Battery Park Avenue and the RWSABC clubhouse.
- Any such pathway would be in close proximity to residential windows, be intrusive, compromise residential, clubhouse and boat owners security, privacy, tranquillity and cleanliness.
- The viability of RWSABC may be adversely affected if fee paying members perceive that others are allowed access to the shore.
- The character of the Grade B listed RWSABC clubhouse shall be adversely affected by unauthorised traffic through club grounds.
- The Council should not be taking any action which will encourage unauthorised access through RWSABC grounds as they are not subject to access rights under the Land Reform (Scotland) Act 2003.
- There is no need to provide access through RWSABC grounds as a Core Path passes along the Esplanade to Battery Park via Eldon Street
- A 1.8m high wall should be provided at the waterfront to prevent access to Battery Park Avenue.

### Design Issues

- The 4m high military security fence at the boundary with Battery Park Avenue should be retained.
- The design is incompatible with its shoreline setting and the adjoining Conservation Area regarding scale, proportion, form finishing materials, flat roofs and open space provision.
- The development appears overpowering when viewed from the Esplanade.
- Flats in Octavia Terrace would be overlooked and suffer a loss of privacy.
- The proposed buildings are too high.

- The submitted plans serve to minimise the scale of the proposed development, are misleading and make it difficult to estimate height.

### Policy Considerations

- The flats shall be unaffordable. It would be preferable to construct affordable properties for rent.
- The proposal is contrary to policies DCo(v), DCm, HR1 and HR10 of the former Local Plan. If references to the Local Plan are wrong then the points upon which the objection is based must be considered in whatever configuration they now exist.

### Road Safety & Traffic Noise & Flooding

- Road safety and road surfaces would be compromised by increased traffic and on-street parking.
- There would be traffic noise.
- The flats may be at risk from flooding.

### Other Considerations.

The peaceful enjoyment of personal possessions, including land and property at Octavia Terrace and the right to respect for private and family life there would be adversely impacted.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Local Development Plan, the Council's PAAN 3 "Private & Public Open Space in New Residential Development", the supporting information accompanying the proposal, the consultation responses and the written representations. The Inverclyde Local Plan is superseded by the Inverclyde Local Development Plan, so it is no longer a material consideration.

Policies SDS5 and RES2 of the Local Development Plan combine to guide all appropriate new development on previously used (brownfield) land within urban settlements, including housing on land identified as residential (where it accords with Policy RES1). As the site falls within an area covered by Local Development Plan Policy RES1, the proposal accords with Policies SDS5 and RES2 and the principle of residential development on this site is acceptable.

Consideration of the detailed design and layout of the development requires to be considered in the first instance with reference to Policy RES1, which seeks to safeguard residential amenity and character and requires a range of criteria to be met. The relevant criteria in this instance are (a) compatibility with the character and amenity of the area, (b) details of proposals for landscaping, (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 in Planning Application Advice Notes.

Considering compatibility with the character and amenity of the area (criterion a), the issues arising in this instance are scale, form, finishing materials, boundary treatment and the potential overlooking of the neighbouring housing.

In these respects, Policy SDS3 "Placemaking" is a material consideration. New residential development on this very prominent and, in many respects, sensitive site requires to have regard to high quality in terms of its potential to re-make "place" in this location and, therefore, particular regard requires to be given to design.





The Navy Building

Impact on the public domain from the scale of the proposed flatted blocks arises on Eldon Street, the Esplanade, Battery Park Avenue and on views from the river. While the proposed blocks are below street level on Eldon Street and their impact is further reduced by the intervening landscaped car park, boundary walling and railings there are modern flats opposite the site, parallel to Eldon Street, fronting Octavia Terrace and at a higher level. These factors reduce the impact of the development's scale upon them.

The neighbouring development at Battery Park Avenue comprises a mix of two storey houses and three storey flats. The houses are on the south part of the development, nearest Eldon Street and the three storey flats are arranged along the waterfront to the north. The three storey flats are the component of the Battery Park Avenue development nearest to the proposed flats. Two storey houses at Battery Park Avenue adjoin the proposed landscaped car park. The proposed flats nearest to Battery Park Avenue (Block 1) are part four storey and part five storey with the four storey section being the nearest to Battery Park Avenue. To the east, block 2 is a mix of six and five storeys, beyond which blocks 3 and 4 are nearest to the promontory at Whitefarland Point and are of four and five storey construction. Block 6 is nearest to the Esplanade and is part five/part six storeys. By following this pattern of development there is a natural progression in height up from Battery Park Avenue, before stepping down at the promontory. This layout results in massing on the promontory being reduced in the key views along the Esplanade and from the river, the lowest part of the development being next to Battery Park Avenue and impact of the six storey elements reduced by their setback position from Whitefarland Point. The drawings submitted with the planning application confirm that the highest parts of the proposed flatted development are lower than the highest sections of the Navy Building. In all of these circumstances, I consider the scale of the development to be a satisfactory response to this site's sensitive waterfront location and to be broadly compatible with the character and amenity of the area.



View from the river

Regarding form, the proposed series of buildings in a variety of heights replaces a functionally designed, flat roof former military building with an overall dark brick finish. The buildings are finished in a variety of colours and are of similar height to the existing building, resulting, I consider,

in visually lighter and a less harsh building form than is presently evident. The proposed development overall is sympathetic to the scale of existing development and its surroundings.

The use of a variety of light coloured facing brick with pale grey coloured cladding at upper levels and the incorporation of large areas of glazing combine, as evidenced by the photomontages accompanying the planning application, also help to minimise the visual impact of the development particularly from the key public views along Greenock Esplanade. While I am content with the generalities of the proposed materials, I consider it prudent to attach a condition reserving their exact colour.



View from Greenock Esplanade

Proposed boundary treatment around the site is varied and I consider is appropriate to the setting of the development. The aluminium balustrade proposed along the waterfront is necessary to protect the drop to the beach and reflects the scale elsewhere along the water's edge.

The retention and upgrading of stone walling combined with the replacement of railings in a matching design and powder coated finish along the Eldon Street frontage is also welcome in respecting the historic setting and providing continuity between the edge of the development and the public domain.

The retention of the white painted walling along the east boundary is appropriate in maintaining the historic backdrop to the Grade B listed RWSABC clubhouse. This also meets the requirements of Local Development Plan policy HER5, having due regard to the effect on the setting of and principal views to the Grade B listed RWSABC clubhouse. I am further satisfied that this accords with the design guidance in Historic Scotland's Managing Change In the Historic Environment guidance note series in assisting in the way in which the historic structure is understood, appreciated and experienced. This also meets the aim of Scottish Historic Environment policy of managing the historic environment with intelligence and understanding.

The removal of the security fencing from the top of this wall and its partial replacement with powder coated mild steel railings serves to improve the setting of the listed building. Indeed, the principle of removing all military security fencing from around the site is, I consider, key to the provision of a setting of appropriate residential character. This includes the setting, character and amenity of the neighbouring Battery Park Avenue. In this respect, the proposed 1.8m high close boarded timber fencing with parallel hedging along the Battery Park Avenue (west) boundary serves to soften the boundary to an appropriate residential scale while at the same time providing a barrier to access into private gardens. While noting representations, I consider that the close boarded fence proposed to prevent pedestrian access to Battery Park Avenue is sufficient for its purpose. I do not consider it necessary to require the construction of a wall.

I note the continuation of this fence to the beach which maintains the status quo of public inaccessibility between the waterfront at Battery Park Avenue and the development site. There is no physical impediment to the public taking access to the foreshore through Battery Park Avenue at present. Similarly, once complete there will be no physical impediment to the public accessing the foreshore via the application site. All that will be prevented is continuation of the waterfront footpath between the application site and Battery Park Avenue. This is as a direct response by the applicant to the pre-application consultation process which saw opposition to a continuation of the waterfront footpath. In accepting this aspect of the proposal I have noted the objections, including from the Community Council. While I also note the desire of the Access Forum for it to be opened, the Local Development Plan Proposals Map indicates that the Inverclyde Coastal Route (a core footpath route) circumvents the site along Eldon Street, linking the Esplanade with Battery Park. While the proposal does not meet Policy ENV3 as it should in continuing the Green Network along the river bank, the existing route along Eldon Street, as indicated on the Proposals Map is considered adequate.

It should be noted that there is no vehicular access proposed to the slipway and I consider it unreasonable to expect the formation of such a route through a residents' car park. Perceived aspirations of RWSABC, viability of RWSABC and rights of access are not determining factors in the consideration of this application.

A further key aspect in assessing compatibility with established amenity is that of privacy and overlooking. Approximately 37m separates the nearest flats in the Battery Park Avenue development and the proposed flats. There is a separation of approximately 118m between the nearest flats on Octavia Terrace so I do not consider overlooking to be an issue. I am further satisfied that no concerns over noise issues have been raised by the Head of Safer & Inclusive Communities.

In all of the above circumstances, I consider the proposal to be compatible with the character and amenity of the area and, accordingly, to meet criterion (a) of Local Development Plan Policy RES1.

Moving on to criterion (b) (details of proposals for landscaping), the Council's landscape advisor offers no objections to planning permission being granted. I concur with this advice, and with the requirement for conditions reserving the submission of drainage details for planted areas, a planting schedule and external lighting details.

Criterion (d) considers accordance with the Council's adopted roads guidance and Designing Streets (the Scottish Government's policy statement). There are no objections to the planning application from the Head of Environmental & Commercial Services, including on the issue of flooding. I am in agreement with the recommendation that a condition be attached requiring the completion of the right turn storage lane and pedestrian refuge on Eldon Street, detailed on the site layout, before any of the proposed flats are occupied. Given these circumstances, I consider the proposal to meet criterion (d). For clarity, the Head of Environmental & Commercial Services confirms that the access ramp and car park within the development are not to be adopted.

In order to address criterion (e) (provision of adequate services) consultation requests were issued to the relevant service providers. No objections to planning permission being granted have been received. SEPA's non-objection to the planning application further determines that the requirements of Local Development Plan Policy INF5 on sustainable urban drainage systems are also met. Scottish Water also has no objections to planning permission being granted.

Criterion (f) requires there to be regard to Supplementary Guidance in Planning Application Advice Notes. The relevant PAAN in this instance is No 3 "Private & Public Open Space in New Residential Development". The PAAN defines the proposal as "flatted within a large scale infill". As such there is a requirement for 10 square metres of open space provision per bed space. The required open space provision is 0.2ha which the proposal comfortably exceeds (1.38ha). As a development of predominantly two bedroom flats I consider that the accommodation does not

readily lend itself to family accommodation and that, accordingly, it is not appropriate to require the provision of play equipment. Given my favourable assessment against the Council's PAAN 3, the proposal meets criterion (f) of Local Development Plan Policy RES1.

The remaining Local Development Plan policies against which the proposal requires to be addressed are RES4, HER7, INF4 and ENV7.

Policy RES4 requires prescribed sites in Schedule 6.1 and windfall sites that emerge over the plan period such as this one, of 20 or more dwellings, to make an affordable housing contribution and presents a range of options to be followed. In this instance it has been agreed with the developer that the site is not an appropriate one for on-site provision, so agreement has been reached on option (a)(ii) of the policy to make a phased commuted payment in lieu of on-site provision. This amounts to a figure of £150,000, based on a sum for the equivalent of 20 plots at £7500 per plot. The commuted payment will be made according to the followed phased arrangements: £60,000 on completion of the 40<sup>th</sup> flat, £54,000 on completion of the 76<sup>th</sup> flat and £36,000 on completion of the final 98<sup>th</sup> flat.

Policy HER7 requires development on or adjacent to archaeological sites to only normally be permitted where there is no adverse impact on the resource. The Council's archaeological advisor confirms that the development will destroy any surviving and upstanding 19<sup>th</sup> or early to mid 20<sup>th</sup> century military buildings or structures although there do not appear to be any formalised records. The demolition of many of the former military structures is documented and there appears to be a considerable depth of made ground indicating the potential for the survival of buried remains. Government policy is to protect and preserve heritage assets wherever feasible. Where this is not possible, planning authorities should ensure that procedures are in place for appropriate recording before and during development, and I am satisfied that such a condition is appropriate in this instance to comply with Policy HER7.

Policy INF4 requires development not to be at risk of flooding or increase flood risk elsewhere. The Flood Risk Assessment provides analysis of extreme sea levels and the action of waves on the coastal defences. The predicted combined sea level at the site is 4.59m AOD, so building finished floor levels should be set at or above 5.19m AOD to achieve a minimum 600mm freeboard to the design sea level. The northern frontage of the development site could be exposed to hazardous wave overtopping rates, so buildings should be set back from the top of the sea wall by a minimum of around 7m. Provision should be made for pedestrian access and egress to the rear (south) of the blocks to facilitate safe evacuation in an emergency. Other potential sources of flooding include overland flow and sewer flooding. Ground levels should be profiled to route water around and away from structures and an appropriate drainage network should be installed to ensure the efficient passage of water away from impermeable areas of the site. The findings of the Flood Risk Assessment are accepted by SEPA and the Council's flooding officer.

In all of the above circumstances I consider the proposal to reduce flood risk and to accord with the requirements of Local Development Plan Policy INF4.

Policy ENV7 considers biodiversity and advises planning permission will not be granted for development likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation. The Ecology Report advises that no bats were observed in daylight and dusk emergence surveys and that there is no reason to suggest that the buildings have any importance for bat conservation. Nevertheless, at least one of the buildings on site has the potential to provide roost sites for small numbers of bats and contractors should be made aware of that possibility. In the unlikely event of bats being found, work should stop and advice be sought from SNH or a suitably qualified ecologist. This may be addressed by a planning condition.

Overall, I am satisfied that the proposal accords with the Local Development Plan and that there are no factors that suggest determination of the application contrary to the Plan is appropriate.

## RECOMMENDATION

That subject to the applicant concluding an Agreement under Section 69 of the Local Government (Scotland) Act 1973 to secure the provision of a bond to cover the cost of the provision of affordable housing off-site in accordance with Local Development Plan Policy RES4 (a)(ii) as outlined in the report, planning permission be granted subject to the following conditions:

1. 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.
2. 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.
3. 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.
4. 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.
5. That 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 material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.
6. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of the archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority and its archaeological advisor.
7. That none of the flats hereby approved shall be occupied until the right turn storage lane and pedestrian refuge on Eldon Street and 163 off-street parking spaces detailed on docquetted drawing PL01RevA have been completed to the satisfaction of the Planning Authority.

8. That all of the flats hereby approved shall have minimum ground floor finished floor level of 5.19m above Ordnance datum.
9. That no development shall commence until a fully detailed planting plan has been submitted to and approved in writing by the Planning Authority.
10. That no development shall commence until full details of all external lighting has been submitted to and approved in writing by the Planning Authority.
11. That the developer shall review the drainage of all planted areas 12 months after implementation: thereafter any works required to improve drainage shall be completed in the first available planting season.
12. That the approved landscaping scheme shall be completed in accordance with a phasing plan to be submitted and approved by the Planning Authority before development commences: thereafter any specimens that in the 5 years following the completion of the flats hereby approved die, become diseased or are damaged shall be replaced in the first available planting season with a similar specimen unless the Planning Authority gives its prior written approval to any alternative.
13. That no development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.
14. That in the event of bats being discovered during the demolition work on site should stop and the advice of SNH and/or a qualified ecologist sought and acted upon before work recommences.
15. That in the event of demolition requiring to take place in the bird breeding season between March and August, prior to that the buildings should be made secure to prevent birds gaining access when the works are to be carried out.

#### Reasons

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address potential contamination issues in the interests of environmental safety.
3. To provide verification that remediation has been carried out to the Authority's satisfaction.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination.
6. To safeguard potential archaeological remains on the site.
7. In the interests of road safety on Eldon Street.
8. To prevent harm from flooding.
9. To ensure the provision of a quality landscape setting for the development.
10. To ensure the provision of a quality external lighting regime.

11. To assist in the provision of a sustainable and quality landscape setting.
12. To ensure the provision of a sustainable and quality landscape setting.
13. To ensure a continuity of finishing materials in this part of Greenock.
14. In the interests of the protection of bats.
15. In the interests of the protection of birds.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

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



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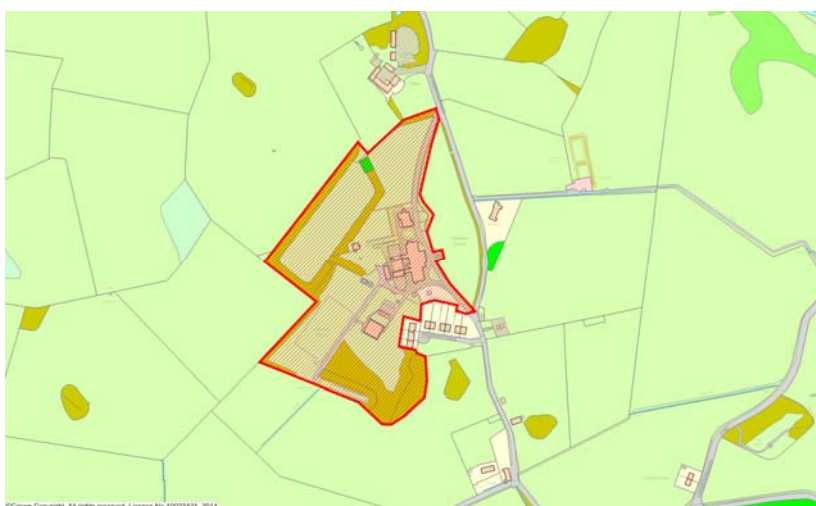
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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4<sup>th</sup> February 2014</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>12/0252/IC</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>Mike Martin</b>	<b>Contact No:</b>	<b>01475 712412</b>
<b>Subject</b>	<b>Proposed redevelopment and refurbishment of Listed Buildings to provide residential accommodation (12/0252/IC); proposed alterations to Listed Buildings together with selective demolition works (12/0022/LB) and proposed construction of 33 houses (in principle) within parts of the associated grounds (12/0254/IC) at Balrossie House, Blacksholm Road, Kilmacolm.</b>		

## SITE DESCRIPTION

The former Balrossie children's home is set in the countryside and located on Blacksholm Road north of its junction with the B788 road, approximately 1 mile west of Kilmacolm.

The former home and villa annexe are set at the front of the site, with the former staff annexe positioned to the rear of the main building and a small single storey ornamental building situated further to the rear of the site. All are listed category B in Historic Scotland's List of Buildings of Special Architectural or Historic Interest. Adjacent to the site lies a group of houses at Balrossie Drive originally associated with the former use, and now in private ownership.



## PROPOSAL

This report considers 3 applications: a planning application for the redevelopment and refurbishment of the listed buildings to provide residential accommodation (12/0252/IC); the associated listed building application for the physical alterations to buildings including demolition works (12/0022/LB); and a planning application (in principle) for the construction of 33 new houses within parts of the associated grounds (12/0254/IC).



Applications 12/0252/IC and 12/0022/LB propose to change the use of and alter Balrossie House to form 5 dwellings, with separate houses in the villa annexe and the ornamental building. This includes demolishing the projecting rear sections and a single storey side extension, and erecting two minor single storey extensions and making localised changes to fenestration on Balrossie House.

It is also proposed to demolish a non-original stair block on the side (north) elevation of the former villa annexe building and to carry out a number of alterations to fenestration, including the provision of a new glazed screen to the existing lean-to structure, all on the rear (west) elevation.

The small scale ornamental building (former water tower) situated to the rear of the site is to be retained and enlarged to form a single dwellinghouse over three floors.

Within the remainder of the associated grounds it is proposed to demolish the former staff annexe which lies directly to the rear of Balrossie House, a former teaching block and other smaller scale buildings, of which only the former staff annexe forms part of the listing.

12/0254/IC is an application in principle for the construction of 33 new houses. With the exception of one house situated adjacent to the driveway close to the north entrance, these are located within the defined and screened areas to the west and south-west of the main buildings.

Combining the new build and refurbishment, a total of 40 dwellings are to be formed. It should be noted that planning permission and listed building consent was granted in September 2007 for 40 dwellings; this differed from the current application in that, with the exception of a small encroachment, development was contained within the Housing Opportunity Site which is site 'r62' on the Local Development Plan Proposals Map. This scheme included the formation of 12 flats within Balrossie House, rather than the 5 dwellings currently proposed, and the new build element comprised 26 terraced dwellinghouses arranged in groupings to the rear of the main buildings rather than the 33 dwellinghouses currently proposed.

## **GLASGOW & THE CLYDE VALLEY STRATEGIC DEVELOPMENT PLAN POLICIES**

The application site is within the designated Glasgow and Clyde Valley Green Belt. Strategy Support Measure No.8 'Green infrastructure: an economic necessity' requires the Green Belt to continue to be designated and for member authorities to review and designate as a priority the inner and outer boundaries of the Green Belt in their respective Local Development Plans.

### **LOCAL DEVELOPMENT PLAN POLICIES**

#### **Policy SDS8 - Green Belt and the Countryside**

There will be a presumption against the spread of the built-up area into the designated Green Belt and careful management to prevent sporadic development in the designated Countryside, as identified on the Proposals Map.

#### **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 ENV2 - Assessing Development Proposals in the 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 RES7: Residential Development in the Green Belt and Countryside

The development of new dwellings in the Green Belt and Countryside, identified on the Proposals Map, will be supported only if the proposal is for either:

- (1) a single or small group of dwellings not adjoining the urban area; or
- (2) the conversion of redundant non-residential buildings, that are for the most part intact and capable of conversion for residential use without recourse to substantial demolition and rebuilding.

In addition, all proposals must fall within one of the following categories:

- (a) demolition and replacement of habitable dwellings which cannot otherwise be brought up to acceptable building standards and where the proposed building reflects the scale of the existing building and is sympathetic to the character, pattern of development and appearance of the area; or
- (b) sub-division of an existing dwelling house(s) for the provision of one or more additional units where any new build element is clearly ancillary to the completed building; or
- (c) conversion of redundant, non-residential buildings, where the proposal requires to be supported by proof of the building's redundancy to demonstrate that it no longer meets its original purpose, as well as a structural survey indicating that the building may be utilised for the proposed use substantially in its current form, and that any proposed extensions to existing building(s) or ancillary new build element will need to be proven to be required to make the development financially viable, with details of costs to be submitted; or

(a) is justified by the operational needs of farms or other businesses or activities which are inherently rural in nature and where the applicant will be required to make a land management or business case to the satisfaction of the Council; or

(b) is part of an integrated project with significant employment and/or economic benefits which is in accordance with other policies of the Local Development Plan and where the Council is satisfied that the dwelling(s) are essential to ensure the implementation of the whole development and that such considerations are of sufficient weight to merit support.

Further detailed policy relating to this type of development is contained in the Supplementary Guidance on Planning Application Advice Notes.

#### 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.

#### Policy HER5 - The Setting of Listed Buildings

Development will be required to have due regard to the effect it has on the setting of, and principal views to, listed buildings and shall be without detriment to their principal elevations and the main approaches to them. All proposals will be assessed having regard to Historic Scotland's SHEP and 'Managing Change in the Historic Environment' guidance note series.

#### Policy HER6 – Enabling Development

Proposals for enabling development to support the restoration of listed buildings will be considered favourably where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Note: The Council will adopt further detailed policy on this topic, setting out the criteria that will be used to assess individual proposals, as Supplementary Guidance.

Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", (PAAN) 7 on "Window Replacement in Conservation Areas and in Listed Buildings" and (PAAN) 8 on "Siting and Design of New Houses in the Countryside" apply.

### CONSULTATIONS

**Head of Environmental and Commercial Services** - No objections on roads issues subject to the imposition of a condition requiring improvements to the site junction with Blacksholm Road. Flooding issues have been properly considered by the applicant.

**Scottish Natural Heritage** - No objections following the acceptable outcome of habitat surveys which have been undertaken to establish any impact upon bats and badgers, as protected species.

**Historic Scotland** – No objections. The scheme for the restoration and conversion of the buildings is welcomed and it is accepted that the structures to the rear of the main building are of lesser significance and can be removed to facilitate a viable scheme for the site. In accordance with normal procedures, further details of the method of repair and use of materials for the retained buildings will be required.

**Head of Safer and Inclusive Communities** - No objections subject to appropriate conditions relating to the treatment of Japanese knotweed, details of environmental assessment and risk assessment, ground contamination and controls over imported fill or landscape materials.

**Scottish Environment Protection Agency West** and **Scottish Water** – No objections, but in order to deal with foul drainage a totally separate system will be required which will include treatment on site. In relation to the treatment of surface water drainage, SEPA indicates that any discharge of surface water to the water environment requires to accord with the principles contained within the relevant legislation and as such to be in accordance with the Sustainable Urban Drainage Systems Manual (C697) 2007 and must comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

**Property Assets Manager** - The figures produced are in line with what I would expect to see of an exercise of this type.

## **PUBLICITY**

The applications were advertised in the Greenock Telegraph and the Edinburgh Gazette on 7th December 2012 as a development affecting a listed building and the setting of a listed building. An advert was also placed in the Greenock Telegraph on 7th December 2012 as there are no premises on some neighbouring land.

## **SITE NOTICES**

A site notice was posted on 7th December 2012 notifying of development affecting a listed building.

## **PUBLIC PARTICIPATION**

In total 17 objections have been received to the three applications. Five objections relate to the planning application for the redevelopment and refurbishment of the listed buildings to form residential accommodation (12/0252/IC); five objections relate to the application for the physical alterations to the listed buildings including associated demolition works (12/0022/LB); and seven relate to the planning application in principle for the erection of 33 houses as enabling development (12/0254/IC).

Issues raised by the objectors are:

### Impact on listed building

- The conversion of Balrossie House will result in various ownerships detrimental to overall management of the building.
- The proposal should be accompanied by a viability assessment to ensure minimal impact upon the architectural and historic interest of the building.

### Enabling Development

- The enabling development fails to satisfy Scottish Government policy and guidance contained within English Heritage policy document “Enabling Development and the Conservation of Significant Places”; there will be an adverse impact on the heritage value of the site by the scale of additional development.

- The proposal fails to demonstrate that the enabling development is the minimum necessary to secure the refurbishment of the listed buildings and that the public benefit of securing the future of the property through this outweighs the disbenefits of breaching other policies.
- Enabling development should normally be considered on the basis of a full planning application rather than an application in principle.
- The development conflicts with the outcome of the public local enquiry into the Inverclyde Local Plan (2005) insofar as it represents a greater level of housing units.
- There is no requirement for major new housing development within the local housing market area covering Kilmacolm.
- The proposal would create overdevelopment of an urban form of housing situated within the grounds of a rural property.
- The proposal relates to a Green Belt site and would have an adverse impact upon the immediate surrounding area.
- The proposal does not include overall elevations which would establish the visual impact of the new buildings when viewed from Kilmacolm.
- The proximity and position of proposed house plots relative to existing houses at Balrossie Drive may result in trees being felled.
- The use of timber fences as proposed boundary treatment is not conducive to birdlife.

### Roads

- The development would create additional pressures on the surrounding road network which includes narrow unclassified roads.
- The plans are insufficiently detailed in terms of internal road and footway provision and details at the site access.
- The proposal fails to demonstrate that it has taken account of roads concerns and does not include an assessment of traffic impact.
- The proposal does not include junction improvements at Blacksholm Road/B788, contrary to the provisions of the development brief.
- The proposal would result in access problems at the junction of Balrossie Drive and Blacksholm Road.
- The resultant increase in vehicular traffic on Blacksholm Road would have an adverse effect upon road safety, particularly for pedestrians.
- The proposals do not address the issue of sustainable transport.

### Infrastructure

- The development would create additional pressures on the treatment of sewerage and surface water in the local area, which has been subject to disruption in the past.

- Concerns over possible surface water run-off affecting nearby property.
- The lack of a mains gas supply in the area together with, on occasions, unreliable electricity supply.
- The proposal does not provide information regarding infrastructure services to serve the development.

## ASSESSMENT

Assessment of the applications against the policies of the Development Plan is undertaken in two stages; firstly are the proposed use and associated building works to the listed buildings acceptable, then if so, is the enabling development, both in extent and location, also acceptable.

Considering the impact on the listed building status, Historic Scotland acknowledge that in examining new uses for old buildings the greatest problems occur when large buildings, which were built for needs that cease to exist, become vacant. In such circumstances there should be a flexible approach in order to enable the buildings to have a new lease of life. In this instance the most significant buildings are to be retained, with the extent of external modification to Balrossie House and the villa annexe minimal. I consider that these modifications will be in harmony with the character of the buildings and preserve the architectural integrity. There are no internal features of note that would be affected adversely by the proposals. In considering the small ornamental tower to the rear of the site, retention and conversion to form a dwellinghouse would involve substantial enlargement. Historic Scotland has indicated support for this element.



Balrossie House

On the issue of demolition, Historic Scotland presume in favour of preservation except where a strong case can be made for demolition taking into account the importance of the building, its condition and alternative uses. The rear projecting wings are ancillary to the Balrossie House and would be difficult to integrate into the conversion. Additionally they do not enhance the building and would not be positive elements in the restoration and would not contribute positively to a redevelopment scheme. The former staff annexe is acknowledged as being of lesser importance than Balrossie House and the villa annexe in terms of its listed building status, occupying a subordinate role. In order to secure the retention of Balrossie House and to provide the required amenity space for this element of the development it is necessary to create access to the rear of the site.

I am satisfied, that the combination of demolition and refurbishment enable the buildings to come into use for residential purposes for the overall long term benefit of the listed buildings. This intent is wholly compatible with Local Development Plan policies HER4, ENV2 and RES7.

Moving on to address enabling development, it is necessary to consider the question of need to facilitate the refurbishment of the listed buildings, the impact on the setting of the listed buildings, the appropriateness of this in the Green Belt and the infrastructural implications.

The costs of bringing the listed buildings into residential use are substantial. In this respect the proposal has been assessed and the Council's Property Assets Manager considers the figures produced to be in line with what he would expect. This being the case, I am satisfied that there is a need for the additional houses to support the listed building refurbishment, in accordance with Local Development Plan policies ENV2 and HER6.



Villa Annexe



Water Tower

Policy HER5 of the Local Development Plan requires assessment of the enabling development against the setting of the listed buildings. While considering the objections lodged with reference to overdevelopment and impact on setting, I am satisfied that the detailed design guidelines submitted address the siting of new buildings, the development layout and the use of appropriate building scales and materials, all aimed at producing a development that respects the listed buildings in their settings.

As for the Green Belt location, the development proposals substantially cover the area of land identified as a residential development opportunity (site ref 'r62' on the Proposals Map) in Policy RES3 and Schedule 6.1. On balance, this may be considered to be a more sensitive and careful management of development in the Green Belt as required by Policy SDS8 and essential to facilitate the restoration of the listed buildings as accepted by Policy ENV2.

However, given the enabling development extends beyond the boundary of the identified residential opportunity site, it is necessary to consider the implications with reference to the criteria set out in Local Development Plan Policy ENV2. As has been previously examined, the enabling development has an identified need associated with restoration work (criterion d), and having considered the development framework submitted in support of the application, I am satisfied that the proposal is, in many important aspects, an improvement on the previous planning permission. This is particularly so when assessed against the impact on listed buildings (criterion e), the impact on the visual amenity of the area (criterion i) and the impact on the landscape character (criterion f). All of these factors satisfy me that this proposal can be considered as favourable and in exceptional circumstances to be compliant with policy ENV2 of the Local Development Plan. I note the various detailed concerns over issues including boundary treatment and the impact on trees, however these are matters that would be addressed in any subsequent planning application that would consider detailed housing layout and design.

Finally, I require to consider the infrastructure implications of the development. I acknowledge the public concern on roads, traffic, sewerage and water (including surface water) issues, but note that consultation responses present no impediment to the granting of planning permission. Gas supplies and the reliability of electricity supplies is not a basis for refusing planning permission.

Overall, I am satisfied that the proposal complies with the Development Plan, and that taking into consideration all written representations and consultation replies, there are no material considerations that persuade me to recommend departure from the Plan.

## RECOMMENDATION

That Listed Building Consent 12/0022/LB be granted subject to the following conditions:

1. No development shall commence until full details of the following works to Balrossie House, the villa annex and the watertower have been submitted to and approved by the Planning Authority in consultation with Historic Scotland:
  - Stonework repairs/replacement.
  - Roof repairs.
  - Fenestration repairs/replacement.
  - Guttering and downpipe repairs/replacement.
  - All internal works.

For the avoidance of doubt development shall adhere to the Balrossie, Kilmacolm: Design Guidelines (Simpson and Brown Architects, July 2014) and the Balrossie, Kilmacolm: Design and Access Statement (Simpson and Brown Architects, July 2012). Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.

2. No development shall commence until full details of the following works have been submitted to and approved by the Planning Authority in consultation with Historic Scotland:
  - Garden feature repairs/replacement.
  - Boundary repairs/replacement.
  - Garages.
  - All hard and soft landscaping works

For the avoidance of doubt development shall adhere to the Balrossie, Kilmacolm: Design Guidelines (Simpson and Brown Architects, July 2014) and the Balrossie, Kilmacolm: Design and Access Statement (Simpson and Brown Architects, July 2012). Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.

3. No development shall commence on site until full details of a programme for the completion and subsequent maintenance of hard and soft landscape works have been submitted to and approved in writing by the Planning Authority.
4. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority.

### Reasons

1. To ensure that the detailed works reflects the design and character of the existing listed buildings.
2. To ensure that works within the curtilage of the listed buildings reflects the design and character of the buildings.
3. To ensure that landscaping works within the curtilage of the listed buildings are maintained to reflect the design and character of the buildings.



4. To allow for archaeological monitoring of any and all ground breaking work associated with the proposed development and to accord with Scottish Government Policy.

That Planning Application 12/0252/IC be granted subject to the following conditions:

1. No development shall commence until full details of the following works to Balrossie House, the villa annex and the watertower been submitted to and approved by the Planning Authority in consultation with Historic Scotland:

- Stonework repairs/replacement.
- Roof repairs.
- Fenestration repairs/replacement.
- Guttering and downpipe repairs/replacement.
- All internal works.

For the avoidance of doubt development shall adhere to the Balrossie, Kilmacolm: Design Guidelines (Simpson and Brown Architects, July 2014) and the Balrossie, Kilmacolm: Design and Access Statement (Simpson and Brown Architects, July 2012). Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.

2. No development shall commence until full details of the following works have been submitted to and approved by the Planning Authority in consultation with Historic Scotland:

- Garden feature repairs/replacement.
- Boundary repairs/replacement.
- Garages.
- All hard and soft landscaping works

For the avoidance of doubt development shall adhere to the Balrossie, Kilmacolm: Design Guidelines (Simpson and Brown Architects, July 2014) and the Balrossie, Kilmacolm: Design and Access Statement (Simpson and Brown Architects, July 2012). Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.

3. No development shall commence on site until full details of a programme for the completion and subsequent maintenance of hard and soft landscape works have been submitted to and approved in writing by the Planning Authority.
4. No development shall take place until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority.

#### Reasons

1. To ensure that the detailed works reflects the design and character of the existing listed buildings.
2. To ensure that works within the curtilage of the listed buildings reflects the design and character of the buildings.

3. To ensure that landscaping works within the curtilage of the listed buildings are maintained to reflect the design and character of the buildings.
4. To allow for archaeological monitoring of any and all ground breaking work associated with the proposed development and to accord with Scottish Government Policy.

That Planning Application 12/0254/IC be granted subject to the following conditions:

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

For the avoidance of doubt development shall adhere to the Balrossie, Kilmacolm: Design Guidelines (Simpson and Brown Architects, July 2014) and the Balrossie, Kilmacolm: Design and Access Statement (Simpson and Brown Architects, July 2012). Development shall thereafter be carried out in accordance with the approved matters unless agreed in writing by the Planning Authority.

2. No development shall commence on site until a phasing plan linking the commencement of the construction and the occupation of all new houses to the restoration and completion of all listed building works as detailed in listed building application 12/0022/LB has been submitted to and approved by the Planning Authority.

For the avoidance of doubt no new houses shall be occupied until the first phase of work to the listed buildings have been completed. As a minimum, these works to Balrossie House and the villa annexe will comprise the roof structure and covering, including guttering and down pipes being repaired and made water-tight, external wall surfaces structurally repaired and door and window openings being secured. There shall also be no occupation of the final 5 new houses until such time as all works to the listed buildings have been completed.

3. No development shall commence on site until a full tree survey in accordance with the British Standards Institute, Trees in Relation to Construction, currently BS 5837:2012 is submitted to the Planning Authority.
4. No existing trees or shrubs being lopped topped felled removed or disturbed in any way without the prior written consent of the Planning Authority.
5. Existing trees both within the development site and in the vicinity of the boundary of the site which are not to be felled or lopped as part of the proposals are to be protected in line with British Standards Recommendations for Trees in Relation to Construction, currently BS 5837: 2012. No development shall take place until details of the protection measures have been submitted to and approved in writing by the Planning Authority.
6. No tree felling, lopping or scrub clearance shall take place within the main bird breeding season, March to June inclusive, and all such works shall be preceded by a check for nesting birds in accordance with the Nature Conservation (Scotland) Act 2014 and for the protection of wildlife.
7. No development shall commence until fully detailed landscaping proposals have been submitted to and approved by the Planning Authority. The approved landscaping scheme shall be completed in the first planting season following the completion of the development and any specimens that in the subsequent 5 years die, become diseased or are damaged shall be

replaced with a similar specimen unless the Planning Authority gives prior written approval to any alternatives.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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 are in place.
14. No development shall commence on site until full engineering details of the works shown on Drawing number MMD-342437-CDR-00-XX-001 in relation to the junction improvements on Blacksholm Road and Drawing numbers 069/SK/001 and 069/SK/002 in relation to the improvements on Blacksholm Road have been submitted to the Planning Authority for consideration and all such improvement works required shall be fully implemented to the satisfaction of the Planning Authority prior to development commencing on site.
15. No development shall commence on site until an application in respect of roads construction consent in respect of all internal roads, turning heads and off-road parking has been submitted to and approved by the Planning Authority. Thereafter all works approved in terms of the roads construction consent shall be fully implemented to the satisfaction of the

Planning Authority prior to the occupation of the final house within the development, and that prior to any other dwelling being occupied, all new roads and footways leading to it shall be surfaced to a sealed basecourse.

16. No development commencing on site until a fully detailed survey to establish that the existing water supply is sufficient to provide for the proposed development shall be submitted to Scottish Water for consideration and any measures required by the developer shall be carried out to the satisfaction of Scottish Water.
17. No development commencing on site until details of the proposed foul and surface water drainage system being submitted to the planning authority for consideration, in consultation with the Scottish Environment Protection Agency (SEPA) and Scottish Water. All foul and surface water networks any package treatment plant and the proposed Sustainable Urban Drainage Systems facility being designed to accord with Scottish Water Technical Manual 'Sewers for Scotland' 2, and vested upon completion.
18. That all surface water drainage from the site shall be treated in accordance with the principles of the sustainable urban drainage systems manual for Scotland and Northern Ireland (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.
19. Public open space and private garden ground shall be provided in accordance with the Council's PAAN3 "Private & Public Open Space Provision in New Residential Development".
20. Notwithstanding the provisions of Classes 1 A-D; 2 A&B; and 3 A-E of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, an application for planning permission will be required in respect of all development specified as being permitted development by the aforementioned classes.
21. No development shall take place within the application site boundary as outlined in red on the approved location plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

#### Reasons

1. To ensure the development reflects the design and character of nearby listed buildings
2. To ensure that the provision of enabling development is linked to the restoration of the listed buildings.
- 3-7 To ensure the provision and retention of adequate landscaping.
8. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
9. To satisfactorily address potential contamination issues in the interests of amenity and environmental safety.
10. To provide verification that remediation has been carried out to the Authority's satisfaction.
11. To ensure that all potential contamination issues are recorded and dealt with appropriately.

12. To protect receptors from the harmful effects of imported contamination.
13. To protect the amenity of the immediate area, prevent the creation of nuisance due to odours, insects, rodents or birds.
14. In the interests of road safety and to ensure the provision of adequate vehicular facilities.
15. In the interests of road safety and to ensure the provision of appropriate vehicular vehicular and pedestrian access during and on completion of the development.
16. To ensure that the development can be adequately supplied in terms of the provision of a water supply.
17. To ensure the provision of adequate foul and surface water drainage facilities
18. To control runoff from the site to reduce the risk of flooding.
19. To ensure the provision of private garden ground and open space commensurate with the approved residential development.
20. To enable the Planning Authority to retain control over works otherwise permitted ensuring the setting of Balrossie is protected from unsympathetic development.
21. To allow for archaeological monitoring of any and all groundbreaking work associated with the proposed development and to accord with Scottish Government Policy.

Stuart Jamieson  
Head of Regeneration and Planning

## BACKGROUND PAPERS

1. Application form and plans.
2. Inverclyde Local Development Plan.
3. Consultation replies.
4. Planning permission IC/06/315R
5. Listed building consent IC/06/022/LB
6. Letters of Objection



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**AGENDAS AND ALL NON-CONFIDENTIAL PAPERS TO:**

Community Councils	10
	<b>TOTAL <u>42</u></b>