

Report To:	The Planning Board	Date:	4th March 2015
Report By:	Head of Regeneration and Planning	Report No:	14/0302/IC Plan03/15
			Major Application Development
Contact Officer:	Guy Phillips	Contact No:	01475 712422
Subject:	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		

BACKGROUND

At the February meeting of the Planning Board the above planning application was continued for a site visit on 26 February to allow Members the opportunity to consider the site and its environs.

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 an approximately 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 approximately 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, both 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 reserves 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.

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.

There are flats opposite the site, parallel to Eldon Street, fronting Octavia Terrace and at a higher level. 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. These factors reduce the impact of the development’s scale.



The Navy Building

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 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.

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.

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 listed 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.



View from the river

The removal of the security fencing from the top of this wall and its partial replacement with powder coated mild steel railings also 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.



View from Greenock Esplanade

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 40th flat, £54,000 on completion of the 76th flat and £36,000 on completion of the final 98th 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 19th or early to mid 20th 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 or Section 75 of the Town and Country Planning (Scotland) Act 1997 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 is 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 taking 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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