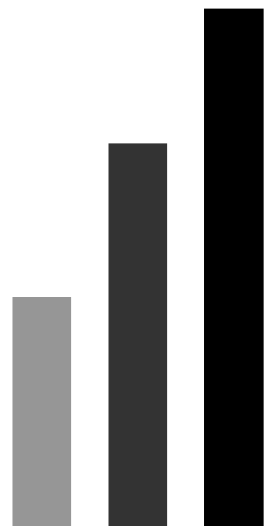


Agenda 2016

Planning Board

For meeting on:

3	February	2016
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A meeting of the Planning Board will be held on Wednesday 3 February at 3pm within the Municipal Buildings, Greenock.

GERARD MALONE
Head of Legal & Property Services

BUSINESS

1. Apologies, Substitutions and Declarations of Interest	Page
2. Continued Planning Applications Reports by Head of Regeneration & Planning on continued applications for planning permission as follows:-	
(a) Muir Homes Limited Reconstruction, partial demolition and new build at former hospital building to form 27 flats: Broadstone House, Hollybush Lane, Port Glasgow (15/0191/IC)	p
(b) Muir Homes Limited Reconstruction, partial demolition and new build of former hospital building to form 27 flats: Broadstone House, Hollybush Lane, Port Glasgow (15/0028/LB)	p
3. Planning Application Report by Head of Regeneration & Planning on application for planning permission by Inverdunning Ltd for construction of 41 two storey, semi-detached and detached houses with associated roads, parking and landscaping at Former Kempock House, Kirn Drive, Gourcock (15/0300/IC)	p

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

Report To: The Planning Board

Date: 3 February 2016

Report By: Head of Regeneration and Planning

Report No: 15/0191/IC

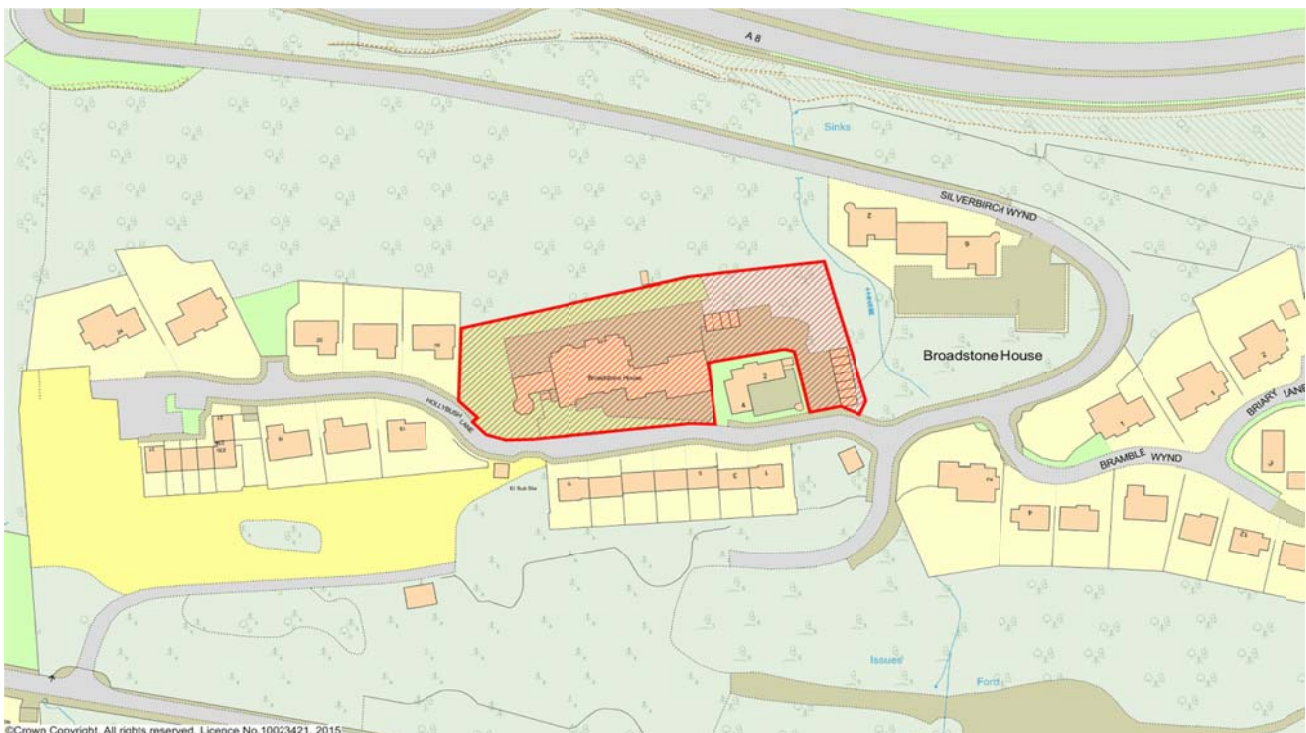
**Local Application
Development**

Plan 02/16

**Contact Officer:
Guy Phillips**

Contact No: 01475 712422

**Subject: Reconstruction, partial demolition and new build at former hospital building to form
27 flats at
Broadstone House, Hollybush Lane, Port Glasgow**



SUMMARY

- At the December meeting of the Planning Board the application was continued for a site visit.
- The proposal accords with the Inverclyde Development Plan.
- 44 representations have been received on issues including design, safety and nature conservation.
- There have been no adverse comments from consultees.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

BACKGROUND

At the December meeting of the Planning Board the application was continued for a site visit, subsequently arranged for 14 January, to allow Members the opportunity to consider the site and its environs.

SITE DESCRIPTION

Broadstone House (the former Broadstone Hospital), which lies partially derelict, is graded category A on the List of Buildings of Architectural or Historic Interest. Historic Environment Scotland's detailed description is, "A large Scots-Renaissance mansion with details based on Newark Castle: rubble, 2/3-storey with 4-storey tower, crow-stepped gables, notable conservatory: panel with letters 'ADV' and 'PKC' interwoven and 'architect 1870'."

What were the grounds of Broadstone House occupy a site wedged between Old Greenock Road and Glasgow Road on the eastern edge of Port Glasgow. Partially wooded and covered by a Tree Preservation Order, areas of the site have been developed with an upgraded access road from Glasgow Road serving new build flats and houses. Residential development is presently ongoing on the southern section of the site, adjacent to Old Greenock Road.

Across Hollybush Lane is a new-build, one and a half storey terrace of seven houses, to the immediate west is a two storey detached house, and to the immediate east of the derelict section is the stable block converted to 2 houses. Elsewhere in the grounds there is a mix of flats, large detached properties and terraced houses.

PROPOSAL

The commencement of development within the grounds stems from planning permission granted in 2003 for the erection of 65 houses and 56 flats as enabling development for the conversion of Broadstone House into 15 flats. Listed building consent was also granted for the conversion works.

New build housing was under way in July 2004 when there was a significant fire in Broadstone House. No work had commenced on the listed building at the time. Consequently planning permission and listed building consents were granted for the reconstruction incorporating the shell of the building, firstly for 16 flats and then most recently in 2006 for 18 units. Two houses in the stable block have been completed.

Away from Broadstone House, several planning permissions have been granted across the site since 2004 to revise to house types and flats.

A phasing plan linking new build housing to the restoration of the listed building was approved in 2003, updated in May 2010 and again in 2012. The up-to-date phasing plan confirms that reconstruction of Broadstone House is to commence upon completion of the last of the 31 houses within phase 2 and to be completed in conjunction with the completion of the 42 houses within phase 3. Presently, development is ongoing within phase 2 during which 11 houses remain to be constructed.

The application which is the subject of this report proposes to demolish the most significantly fire-damaged section of Broadstone House (including its tower) and to replace it with a new-build structure of similar scale. To the east and west of the new-build remaining sections of the listed building are to be retained and restored.

The proposed new-build development ranges between four and six storeys with the tallest section of the building similar to that of the to be removed tower. The two upper levels have a smaller floorplan than those below and flats within them are equipped with roof terracing. Due to a difference in levels between the south (front) and north (rear), the new build has lower ground floor accommodation on its north side. Elevated ground floor flats at the rear of the building, first, second and third floor flats are equipped with balconies. Wall finishes comprise a

mix of natural stone, render and zinc cladding panels. Windows and doors are grey-coloured aluminium. The building has a series of grey-coloured monopitch roofs.

The orangery with its domed tower is a key feature of the listed building and is to be retained and converted to a flat. To the east of the new build, the section of listed building to be retained is of part two storey/part single storey construction with feature crow stepped gables and stone-faced dormers; this has recently suffered a partial structural collapse, however following consultation with my Service and Historic Environment Scotland the applicant is in the process of arranging emergency works to partially dismantle, stabilise and support this weakened part of the building.

Another key component of Broadstone House is its grand entrance, which it is proposed to dismantle and reconstruct it as a freestanding feature forward of the entrance to the new building.

The combined new-build and restoration proposes 27 two bedroom flats with 58 off-street car parking spaces. The parking comprises 22 end-on spaces along the frontage with Hollybush Lane, 16 spaces to the west and south of the Orangery in an existing garage block and car park and 20 spaces to the east and north of the converted stable block in two existing garage blocks and a car park. The three garage blocks around the building were constructed around the same time as the conversion of the stable block and after the fire in 2004.

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 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 RES5 - Proposals for Changes to Properties for Residential Use

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

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

Policy 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 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 Environment Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy ENV6 - Trees and Woodland

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

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

- (a) promoting the planting of broad leaved and native species, or other species with known biodiversity benefits;
- (b) protecting and promoting the positive management of hedgerows, street trees and any other trees considered to contribute to the amenity of the area;
- (c) protecting and promoting the positive management of ancient and semi-ancient natural woodlands; and
- (d) encouraging the planting of appropriate trees as an integral part of new development.

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

- (e) the benefits of woodland creation to the value of the existing habitat;
- (f) contribution to the enhancement of the wider Green Network;
- (g) the safeguarding of nature conservation and archaeological heritage interests;
- (h) safeguarding of water supplies;
- (i) the area's landscape character;
- (j) integration with agricultural interests;
- (k) existing and potential public access and recreational use;
- (l) woodland design and the proposed mix of species; and
- (m) points of access to and operational tracks through woodlands.

CONSULTATIONS

Historic Environment Scotland - National policy, as set out in the Scottish Historic Environment Policy (2011) notes that no listed building should be lost without all efforts having been made to retain it. The document sets out the measures that should be exhausted prior to

considering demolition. Where a listed building consent application proposes demolition applicants will be expected to provide evidence to show that: the building is not of special interest; or the building is incapable of repair; or the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

It notes that at a meeting with representatives from the Council's planning service and Muir Homes to discuss the future of the fire damaged building in November last year, the applicant stated that the listed building was beyond economic repair. Since then the property has been marketed for six months without any expressions of interest.

More recently a pre-application meeting was attended with the Council's officers and the applicant in June. At that time it was noted that if it could be demonstrated that there was no economically viable alternative to demolition, it would not object to the principle of a contemporary new building design, which retained and reused the surviving conservatory and east wing. That remains Historic Environment Scotland's view.

It asks that details of the proposed restoration of the conservatory and east wing of A listed Broadstone House be made available to demonstrate that the surviving elements of the building will retain their character and appearance. This should include like for like replacement of windows and doors and specification of roof slates.

Creatively maximising the incorporation of surviving, structurally sound elements of Broadstone House into the design of the new build residential block could enhance the sense of place of the new development. It asks that where possible, consideration be given to reuse of surviving decorative stonework.

Head of Environmental and Commercial Services - The 58 off street parking spaces proposed are two more than required by the Council's Roads Development Guide.

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

Council Greenspace Manager - The planning application is accompanied by bat and bird surveys. The bat survey concludes that as long as recommended mitigation measures are undertaken the risk of death or disturbance to European Protected Species is negligible. The bird survey notes that swifts may be present within the building between May and July and recommends mitigation measures to secure their protection. The findings of the surveys are considered acceptable.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

A total of 45 written representations have been received from 41 parties. All raise objections to the planning application.

Amenity

- Houses opposite the site shall be overshadowed and overlooked.

- The privacy of an existing house within the listed building shall be adversely impacted by the formation of parking spaces and footpaths.

Design Issues

- The number of flats is greater than in the conversion of the building previously approved, resulting in a high density over-development that is out of character with the area and unsympathetic to the listed building.
- The submitted design is significantly different to the previously approved restoration of the listed building, is inconsistent with the design of new-build properties elsewhere within the development and inappropriate outwith a city location.
- The building's existing façade should be retained.
- There shall be an adverse impact upon the character and uniqueness of the listed building - the design and finishing materials are unsympathetic.
- Successful restoration of the eastern end of the development demonstrates what can be done to restore the building.
- Other houses by David Bryce have been lost or altered and it is vital that Broadstone with its unique frontage and tower modelled on Newark Castle be retained.

Safety

- Road safety shall be adversely affected.
- The access road to the development suffers from potholes.

Other Considerations

- The plans are at variance with the permission in place when existing residents took occupancy of the development.
- The development should be required to commence in March next year and completed within a 12 month period.
- Noise levels shall increase.
- Property values shall be adversely affected.
- Existing properties in the development are difficult to sell.
- There are insufficient facilities to cope with increased population.
- Site drainage is problematic.
- As a result of World War 2 bomb damage, the orangery requires the adjoining section of building to support it.
- Nature conservation interests, including bats and trees shall be adversely affected.

ASSESSMENT

The material considerations in the determination of this planning application are, the Local Development Plan, the Council's Planning Application Advice Notes, Historic Environment Scotland's Scottish Historic Environment Policy and "Managing Change in the Historic Environment" guidance note series, the planning history of the site, the consultation responses, the bat and bird surveys and the written representations.

The current Local Development Plan respects the planning permissions currently in place. The site is within the urban area of Port Glasgow covered by Policy RES1, which seeks to safeguard the character and amenity of residential areas and sets out a range of criteria for new development to be assessed against and satisfy. It is also identified as residential development opportunity r1 by Policy RES3, which encourages and supports residential development. Policy RES2 supports residential development on urban brownfield sites, while Policy RES5 sets out criteria for the assessment of proposals for change of use to residential or sub-division or conversion to properties to create new additional dwellings.

As Broadstone House is Grade A listed, Policy HER4 applies. It sets out a presumption in favour of retaining listed buildings and conditions for the demolition, including partial, alteration or extension of any listed building.

As well as the residential policies, the site is also covered by a Tree Preservation Order set out in Policy ENV6. Trees designated as Tree Preservation Orders will be safeguarded. While the proposal necessitates the removal of self-seeded scrub that has grown to the rear of the building since the 2004 fire, no trees of any merit are required to be removed.

Given the nature of the proposal the criteria set out in policy RES2 are not applicable and it, therefore, falls to consider whether or not it satisfies the criteria set out in policies RES1, RES5, HER4 and ENV6. These policies consider the acceptability, or otherwise, of the works to the listed building and the impact on the locality and immediate neighbours.

Examining the character and amenity of the area and the desire to retain an important townscape feature, there are two impacts to consider; that on the locality in general and that on those most close to the building, in particular the two houses within the listed building's converted stable block, the detached house immediately west of the Orangery and the seven terraced houses directly facing the listed building on the south side of Hollybush Lane.



First to consider is the locality in general. I share the concerns raised by residents that their long-held expectation that Broadstone House would have its exterior fully reinstated has not come to fruition. It is over 11 years since the fire which severely damaged the building and it remains substantially as a ruin. While the applicant has made some progress towards the restoration of the building, with the completion of two houses in the former stable block, it has not proven viable to proceed with the remainder. There is no doubt that the listed building in its current form is a visual blight and that national and local planning policy preference is for the building to be retained and restored. This is most clearly spelt out in Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note which emphasises that no listed building should be lost without all efforts having been made to retain it. The document sets out the measures that should be exhausted prior to considering demolition. Where an application proposes demolition applicants will be expected to provide evidence to show that the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period. This point was stressed strongly to the applicant during pre-application discussion.

Historic Environment Scotland is now in a position to acknowledge that the fire-damaged building is beyond economic repair and notes that the building has been marketed by the applicant for a 6 month period without receiving any expressions of interest. Under such circumstances, with reference to the overall impact on the amenity of the locality, the prospect is to leave the building as it stands subject to intermittent works as it deteriorates, or seek an economically viable alternative that retains part of the building. I have concluded (as has Historic Environment Scotland) that it is now appropriate to consider a compromise solution for the listed building, else it becomes a total loss. It is considered that in principle an economically viable redevelopment of Broadstone House is in the best interests of the long term character

and amenity of the locality. If this does not happen then the benefit of this proposal in encompassing the retention of some of the most immediately identifiable elements of Broadstone House in its design is lost. As evidenced by the recent structural collapse within the east wing of the building time is now pressing if such a solution is to be feasible.

Clearly, while the new build section of the proposal is of modern design I consider that it pays respect to the section of listed building it replaces with reference to massing, height, setback position from the street, partial finish in natural stone and the reconstruction of the grand entrance as a freestanding structure. I am in agreement with Historic Environment Scotland that the incorporation of surviving, structurally sound elements of Broadstone House, such as decorative stonework, into the design of the new build can enhance the sense of place of the new development. I also have no objections to Historic Environment Scotland's recommendation that full details of the restoration of the orangery and east wing also be reserved by condition in order to ensure that these surviving elements of the building will retain their character and appearance, including like-for-like replacement of windows and doors and specification of roof slates.



While the new build element of the proposed design is a contemporary design, there is a variety of building designs throughout the grounds which include large detached houses, flats, terraced houses and a small courtyard development. I consider the submitted design to be consistent with this variety.



All of the above satisfies me that under the circumstances there is development compatible with the locality and with due respect to townscape.

Those most impacted are the terraced houses directly fronting the building across Hollybush Lane, the detached house immediately west of the Orangery and the houses in the stable block; the assessment of the development on these properties goes beyond the principle of visual and townscape impact. Potential adverse impact arises from the overlooking of the terraced houses on the south side of Hollybush Lane from the roof terraces and balconies throughout the frontage of the proposed new-build section of the building. The proposed balconies and roof terraces along the frontage of the new build face the street and have no views of the private, rear gardens of the houses opposite and are set back approximately 25 metres from windows. As such, the proposal accords with the Council's PAAN5 "Balconies and Garden Decking" on the issue of overlooking. I am further content that the scale and design of the proposed balconies and roof terraces also complies with PAAN5's design guidance.



Given the similar massing of the proposed new build to the listed building added to it being to the north of the terraced houses on the south side of Hollybush Lane ensures that there are unlikely to be shadow issues.

The increase in number of flats gives rise to an increased requirement for off-street parking and a potential adverse impact upon the character and amenity of the area. This has been satisfied by the provision of the 58 parking spaces and I am therefore content that there shall be no adverse impact on immediate neighbours.

I also note the concerns in relation to the formation of a footpath and parking spaces in proximity to the converted stable building, however I am content that the amenity of the area is not significantly impacted by these aspects of the proposal.

The concern of residents that this site remains under construction is understandable. The phasing plan, which the applicant has adhered to, links restoration of the listed building to the completion of new-build housing; continuing this requirement will ensure the site is complete in full.

The consultation responses present no impediment to planning permission being granted and I have no objections to the conditions and advisory notes recommended to be attached by the Head of Safer & Inclusive Communities. I further note the Council's Greenspace Manager's acceptance of the recommendations of the bat and bird surveys submitted with the planning application.

Overall, I conclude that with reference to the character and amenity of the area including the landscape and townscape, roads criteria, policy on listed buildings and impact on neighbours the proposal complies with the Inverclyde Local Development Plan and national policy on listed buildings. In coming to the conclusion to recommend that planning permission be granted I have taken into consideration all matters raised in letters of representation and in consultation

and further note that the completion of the development will no doubt assist in dealing with matters of concern to residents that are beyond the control of the Council in its role as planning authority, namely potholes on the access road and property values.

RECOMMENDATION

That the application 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. 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 hereby approved shall be completed prior to the first occupation of the Phase 3 new build housing as described in the phasing plan approved under planning permission 12/0273/IC.
7. 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.
8. None of the flats hereby approved shall be occupied until the parking spaces detailed on drawing 14054 (PL)002-A have been completed.
9. No development shall commence until details of the proposed restoration of the conservatory and east wing of the A listed Broadstone House including like for like

replacement of windows and doors and specification of roof slates have been submitted to and approved in writing by the Planning Authority.

10. No development shall commence until full details of all decorative stonework to be reused from Broadstone House in the construction of the new build residential building hereby approved have been submitted to and approved in writing by the Planning Authority.
11. Development shall proceed in accordance with the recommendations of the GLM Ecology Swift Apus Survey Report, Broadstone House, Port Glasgow August 2015 and the GLM Ecology Bat Survey Report Broadstone House, Port Glasgow August 2015.

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 the completion of the proposal hereby approved.
7. To ensure a continuity of finishing materials with the Grade A listed building.
8. To prevent obstructive parking on Hollybush Lane.
9. To demonstrate that the surviving elements of the building will retain their character and appearance.
10. To maximise the incorporation of surviving, structurally sound elements of Broadstone House into the design of the new build residential block and enhance the sense of place of the new development.
11. In the interests of the protection of protected species.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Guy Phillips on 01475 712422.

Report To: The Planning Board

Date: 3 February 2016

Report By: Head of Regeneration and Planning

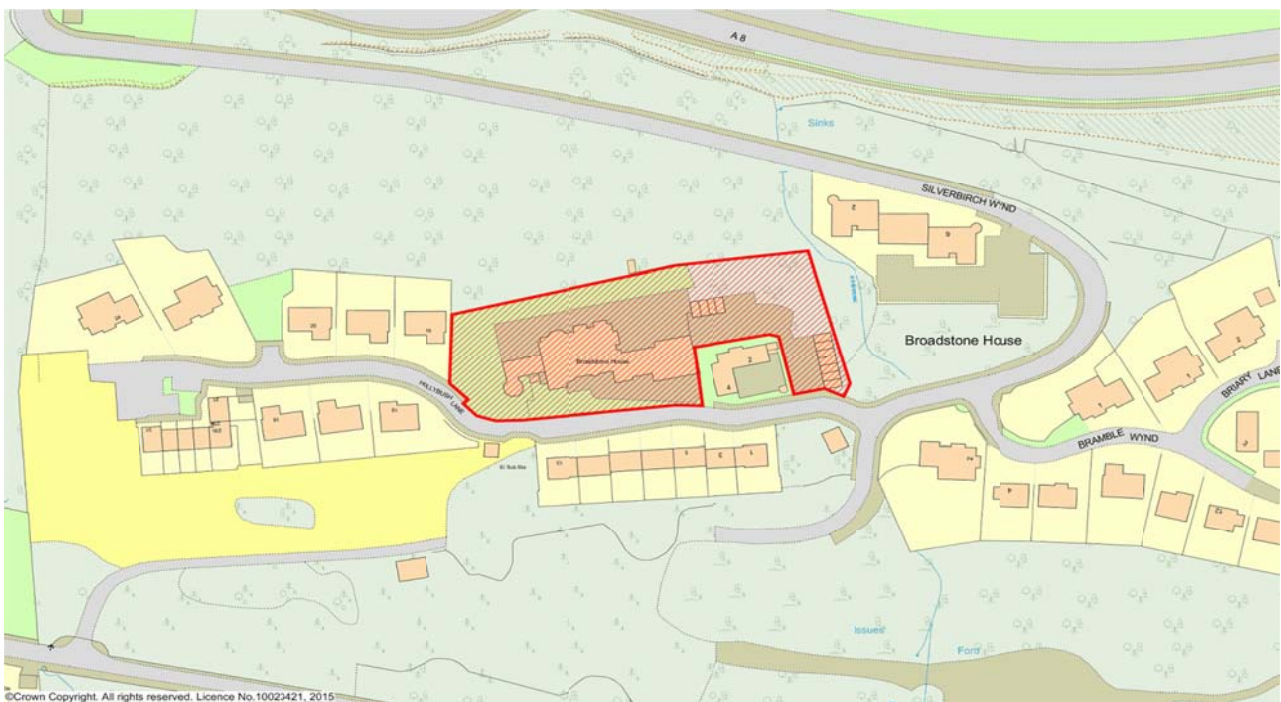
Report No: 15/0028/LB

Plan02/16

Contact Officer: Guy Phillips

Contact No: 01475 712422

Subject: Reconstruction, partial demolition and new build at former hospital building to form 27 flats at Broadstone House, Hollybush Lane, Port Glasgow



SUMMARY

- At the December meeting of the Planning Board the application was continued for a site visit.
- The proposal accords with the Inverclyde Development Plan.
- 3 representations have been received on issues including the loss of a David Bryce designed listed building, design, density, the applicant's duty of care, profit motivation and potential for the retention and restoration of the listed building.
- There have been no adverse comments from consultees.
- The recommendation is to GRANT LISTED BUILDING CONSENT subject to conditions.

BACKGROUND

At the December meeting of the Planning Board the application was continued for a site visit, subsequently arranged for 14 January, to allow Members the opportunity to consider the site and its environs.

SITE DESCRIPTION

Broadstone House (the former Broadstone Hospital), which lies partially derelict, is graded category A on the List of Buildings of Architectural or Historic Interest. Historic Environment Scotland's detailed description is, "A large Scots-Renaissance mansion with details based on Newark Castle: rubble, 2/3-storey with 4-storey tower, crow-stepped gables, notable conservatory: panel with letters 'ADV' and 'PKC' interwoven and 'architect 1870'."

What were the grounds of Broadstone House occupy a site wedged between Old Greenock Road and Glasgow Road on the eastern edge of Port Glasgow. Partially wooded and covered by a Tree Preservation Order, areas of the site have been developed with an upgraded access road from Glasgow Road serving new build flats and houses. Residential development is presently ongoing on the southern section of the site, adjacent to Old Greenock Road.

Across Hollybush Lane is a new-build, one and a half storey terrace of seven houses, to the immediate west is a two storey detached house, and to the immediate east of the derelict section is the stable block converted to 2 houses. Elsewhere in the grounds there is a mix of flats, large detached properties and terraced houses.

PROPOSAL

The commencement of development within the grounds stems from planning permission granted in 2003 for the erection of 65 houses and 56 flats as enabling development for the conversion of Broadstone House into 15 flats. Listed building consent was also granted for the conversion works.

New build housing was under way in July 2004 when there was a significant fire in Broadstone House. No work had commenced on the listed building at the time. Consequently planning permission and listed building consents were granted for the reconstruction incorporating the shell of the building, firstly for 16 flats and then most recently in 2006 for 18 units. Two houses in the stable block have been completed.

Away from Broadstone House, several planning permissions have been granted across the site since 2004 to revise to house types and flats.

A phasing plan linking new build housing to the restoration of the listed building was approved in 2003, updated in May 2010 and again in 2012. The up-to-date phasing plan confirms that reconstruction of Broadstone House is to commence upon completion of the last of the 31 houses within phase 2 and to be completed in conjunction with the completion of the 42 houses within phase 3. Presently, development is ongoing within phase 2 during which 11 houses remain to be constructed.

The application which is the subject of this report proposes to demolish the most significantly fire-damaged section of Broadstone House (including its tower) and to replace it with a new-build structure of similar scale. To the east and west of the new-build remaining sections of the listed building are to be retained and restored.

The proposed new-build development ranges between four and six storeys with the tallest section of the building similar to that of the to be removed tower. The two upper levels have a smaller floorplan than those below and flats within them are equipped with roof terracing. Due to a difference in levels between the south (front) and north (rear), the new build has lower ground floor accommodation on its north side. Elevated ground floor flats at the rear of the building, first, second and third floor flats are equipped with balconies. Wall finishes comprise a mix of natural stone, render and zinc cladding panels. Windows and doors are grey-coloured aluminium. The building has a series of grey-coloured monopitch roofs.

The orangery with its domed tower is a key feature of the listed building and is to be retained and converted to a flat. To the east of the new build, the section of listed building to be retained is of part two storey/part single storey construction with feature crow stepped gables and stone-faced dormers; this has recently suffered a partial structural collapse, however following consultation with my Service and Historic Environment Scotland the applicant is in the process of arranging emergency works to partially dismantle, stabilise and support this weakened part of the building.

Another key component of Broadstone House is its grand entrance, which it is proposed to dismantle and reconstruct it as a freestanding feature forward of the entrance to the new building.

The combined new-build and restoration proposes 27 two bedroom flats with 58 off-street car parking spaces. The parking comprises 22 end-on spaces along the frontage with Hollybush Lane, 16 spaces to the west and south of the Orangery in an existing garage block and car park and 20 spaces to the east and north of the converted stable block in two existing garage blocks and a car park. The three garage blocks around the building were constructed around the same time as the conversion of the stable block and after the fire in 2004.

LOCAL DEVELOPMENT PLAN POLICIES

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 Environment Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

CONSULTATIONS

Historic Environment Scotland - National policy, as set out in the Scottish Historic Environment Policy (2011) notes that no listed building should be lost without all efforts having been made to retain it. The document sets out the measures that should be exhausted prior to considering demolition. Where a listed building consent application proposes demolition applicants will be expected to provide evidence to show that: the building is not of special interest; or the building is incapable of repair; or the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

It notes that at a meeting with representatives from the Council's planning service and Muir Homes to discuss the future of the fire damaged building in November last year, the applicant stated that the listed building was beyond economic repair. Since then the property has been marketed for six months without any expressions of interest.

More recently a pre-application meeting was attended with the Council's officers and the applicant in June. At that time it was noted that if it could be demonstrated that there was no economically viable alternative to demolition, it would not object to the principle of a contemporary new building design, which retained and reused the surviving conservatory and east wing. That remains Historic Environment Scotland's view.

It asks that details of the proposed restoration of the conservatory and east wing of A listed Broadstone House be made available to demonstrate that the surviving elements of the building will retain their character and appearance. This should include like for like replacement of windows and doors and specification of roof slates.

Creatively maximising the incorporation of surviving, structurally sound elements of Broadstone House into the design of the new build residential block could enhance the sense of place of the new development. It asks that where possible, consideration be given to reuse of surviving decorative stonework.

Council Greenspace Manager - The planning application is accompanied by bat and bird surveys. The bat survey concludes that as long as recommended mitigation measures are undertaken the risk of death or disturbance to European Protected Species is negligible. The bird survey notes that swifts may be present within the building between May and July and recommends mitigation measures to secure their protection. The findings of the surveys are considered acceptable.

PUBLICITY

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

SITE NOTICES

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

PUBLIC PARTICIPATION

Three written representations have been received. All object to listed building consent being granted.

The objectors are concerned that:

- a historically important and architecturally significant heritage structure designed by David Bryce shall be lost.
- the design is inappropriate to its site and surroundings.
- the development is of too high a density and shall result in increased traffic on the local road system.
- the applicant has failed in their duty of care to safeguard the building.
- the proposal is motivated by profit.
- the remains of the listed building have proven to be robust, having survived winter storms over an extended period. A complete or, at least, partial restoration should be possible.
- there are examples of historic buildings elsewhere which have been in a condition similar to Broadstone House and which have either been restored in a more sensitive manner or preserved as a ruin.

ASSESSMENT

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

As the former hospital is Grade B listed, Policy HER4 applies. It sets out a presumption in favour of retaining listed buildings and sets out conditions for the demolition, including partial, alteration or extension of any listed building.

Key to the assessment of the proposal against policy HER4 is Historic Environment Scotland's favourable consultation response. Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note series advises that no listed building should be lost without all efforts having been made to retain it. The document sets out the measures that should be exhausted prior to considering demolition. Where a listed building consent application proposes demolition applicants will be expected to provide evidence to show that the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

I share the concerns raised by residents that their long-held expectation that the Grade A listed building would have its exterior fully reinstated has not come to fruition. It is over 11 years since the fire which severely damaged the building and it remains substantially as a ruin. While the applicant has made some progress towards the restoration of the building with the completion of two houses in the former stable block, it has not proven viable to proceed with the remainder.



At the request of Historic Environment Scotland the applicant has marketed the building over a 6 month period in order to determine if any other party would be prepared to complete the approved scheme. None has been forthcoming. While, as objectors note there are examples of restoration elsewhere and it is suggested that a complete, or at least partial, restoration may be possible, Historic Environment Scotland is now in a position to acknowledge that the fire-damaged building is beyond economic repair. Under such circumstances the prospect is to leave the building as it stands subject to intermittent works as it deteriorates, or seek an economically viable alternative that retains part of the building. I have concluded (as has Historic Environment Scotland) that it is now appropriate to consider a compromise solution for the listed building else it becomes a total loss. It is considered that in principle an economically viable redevelopment of Broadstone House is in the best interests of the long term. If this does not happen then the benefit of this proposal in encompassing the retention of some of the most immediately identifiable elements of Broadstone House in its design is lost. As evidenced by the recent structural collapse within the east wing of the building time is now pressing if such a solution is to be feasible.



Clearly, while the new build section of the proposal is of modern design I consider that it pays respect to the section of listed building it replaces with reference to massing, height, setback position from the street, partial finish in natural stone and the reconstruction of the grand

entrance as a freestanding structure. I am in agreement with Historic Environment Scotland that the incorporation of surviving, structurally sound elements of Broadstone House, such as decorative stonework, into the design of the new build can enhance the sense of place of the new development. I also have no objections to Historic Environment Scotland's recommendation that full details of the restoration of the orangery and east wing also be reserved by condition in order to ensure that these surviving elements of the building will retain their character and appearance, including like-for-like replacement of windows and doors and specification of roof slates.



I note concerns raised on roads issues, but these are not matters that can have a bearing on the assessment of the application for listed building consent; these are addressed in the parallel application for planning permission.

In all of the above circumstances I am content that the proposal accords with the Local Development Plan and is an intelligent and understanding management of the historic environment, thus according with Scottish Historic Environment Policy.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. 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.
2. No development shall commence until details of the proposed restoration of the conservatory and east wing of the A listed Broadstone House including like for like replacement of windows and doors and specification of roof slates have been submitted to and approved in writing by the Planning Authority.
3. No development shall commence until full details of all decorative stonework to be reused from Broadstone House in the construction of the new build residential building hereby approved have been submitted to and approved in writing by the Planning Authority.
4. Development shall proceed in accordance with the recommendations of the GLM Ecology Swift Apus Survey Report, Broadstone House, Port Glasgow August 2015 and the GLM Ecology Bat Survey Report Broadstone House, Port Glasgow August 2015.
5. The development hereby approved shall be completed prior to the first occupation of the Phase 3 new build housing as described in the phasing plan approved under planning permission 12/0273/IC.

Reasons

1. To ensure a continuity of finishing materials with the Grade A listed building.
2. To demonstrate that the surviving elements of the building will retain their character and appearance.
3. To maximise the incorporation of surviving, structurally sound elements of Broadstone House into the design of the new build residential block and enhance the sense of place of the new development.
4. In the interests of the protection of protected species.
5. To ensure the completion of the proposal hereby approved.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Guy Phillips on 01475 712422.

Report To: The Planning Board

Date: 3rd February 2016

Report By: Head of Regeneration and Planning

Report No: 15/0300/IC

**Local Application
Development**

Plan 02/16

**Contact
Officer:** David Ashman

Contact No: 01475 712416

Subject: Construction of 41 two storey terrace, semi-detached and detached houses with associated roads, parking and landscaping at Former Kempock House, Kirn Drive, Gourock



SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- 26 representations have been received in respect of the application; 7 objections, 17 in support and 2 take a neutral position. Issues raised include impact on neighbours, site conditions and traffic issues.
- There have been no adverse comments from consultees.
- The recommendation is to enter into SECTION 75 agreements and to GRANT PLANNING PERMISSION subject to conditions.

SITE DESCRIPTION

The application site, extending to 1.49 hectares, is the grounds of the former Kempock House at Kirn Drive, Gourrock. Kempock House has been demolished, but the original landscaping remains including several mature trees and bushes and a distinctive line of trees which run north-south towards the rear of the site. Although generally level or very gently sloping, the site is more elevated along its south-west corner and falls away along at the north-east corner where there is a small gas meter housing. The Ash Burn runs close to the southern boundary and there is a culverted watercourse (a Mile Burn tributary) running within the western boundary. Boundary treatment varies across the site and includes mainly mature planting and various styles of fencing.

The site is roughly rectangular in shape with housing around. It shares a common boundary to the north with houses fronting Cowal View and Finnart Crescent, to the west with houses fronting Sycamore Place and to the south with houses fronting Moorfoot Drive. To the east the site is bound by Kirn Drive, across which are houses. The houses are a mix of single and two storey detached and semi-detached dwellings, with a more limited number of terraced and flatted dwellings.

PROPOSAL

Planning permission is sought for a housing development of 41 mainly 2 and 3 bedroom detached, semi-detached and terraced units. The houses are of contemporary design finished in a mix of buff facing brick and white drydash render with grey concrete roof tiles. A combination of garden, layby and parking court provision is made for 20 cars.

The proposals also include the provision of approximately 0.24 hectares of open space, consisting of three areas of amenity landscaping and a small play area. Trees are to be planted throughout the site including along the Kirn Drive frontage.

The application has been supported by a flood risk assessment, an invasive species survey, a site investigation report and a habitat survey.

LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

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

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

Policy RES3 - Residential Development Opportunities

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

Policy RES4 - Provision of Affordable Housing

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

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

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 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.

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 coordinated approach to SUDS provision should be taken where practicable.

Planning Application Advice Notes (PAAN)3 on "Private and Public Open Space Provision in New Residential Development" and PAAN1 on "Backland and Tandem Residential Development" apply.

CONSULTATIONS

Head of Environmental and Commercial Services - Visitor parking is concentrated to the east of the development and should be more evenly spread. Junction visibility splays of 2.4m by 43m should be kept clear of trees. A tracking drawing should be provided showing that a bin lorry and emergency vehicle can turn within the site. The proposed private parking court and access road will not be adopted. Confirmation is required of Scottish Water's and SEPA's acceptance of the proposal. The recommendations in the Flood Risk Assessment should be incorporated in the drainage drawings, minimum floor levels and shaped landscaped areas. All

surface water should be contained within the site. Details of the works to the Mile Burn tributary should be submitted for approval.

Head of Safer and Inclusive Communities - No objections subject to conditions in respect of Japanese Knotweed, contaminated land, waste containers, external lighting and advisory notes on times and methods of working to minimise noise disruption, sound insulation in buildings, site drainage, rats, drains and sewers, design and management regulations, SUDs and gull control.

Scottish Environment Protection Agency West - No objection.

Scottish Gas Networks - There is plant in the vicinity. There should be no mechanical excavations taking place above or within 0.5 metres of a low/medium pressure system or above or within 3.0 metres of an intermediate pressure system.

Scottish Water – No objection.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

26 representations have been received in respect of the application; 7 objections, 17 in support and 2 take a neutral position.

The points of objection may be summarised as follows:

Site conditions, especially drainage

- There is potential for flooding of adjacent properties.
- Development will impact on a culvert along the western boundary of the site.
- There is Japanese Knotweed on site.
- Concerns over maintenance of site between granting of permission and development commencing.

Impact on neighbouring properties

- Boundary treatment for privacy screening purposes is inadequate and there is potential damage to existing soft boundary.
- A window of an adjacent house is unacceptably overlooked.
- One proposed house is within 9 metres of the boundary.
- The proposed terraced houses would dominate and overshadow an existing property on Kirn Drive.
- Devaluation of existing adjacent houses.

Wider impacts

- The level and noise of extra traffic on Kirn Drive during and after construction, given the present busy and occasionally congested nature of the road is of concern.

Miscellaneous

- No notification of the application was provided.
- Loss of a site for dog walkers.

The points in support of the application may be summarised as follows:

- Welcome increase in property availability, especially for families.
- Will bring younger home owners and therefore add vibrancy to the area.
- Improvement of a derelict site.
- Excellent location in close proximity to schools and local shops.

Those taking a neutral position nevertheless have comments to offer as follows:

- There are concerns over the impact of additional traffic on Kirn Drive and surrounding streets, particularly at school pick-up and drop-off times. New traffic management initiatives are suggested, such as making Kirn Drive one-way or road widening.

ASSESSMENT

The material considerations in determination of this application are the Local Development Plan, Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" and "Affordable Housing", the consultation replies, the representations and the applicant's supporting information.

The application site is identified by the Local Development Plan in Policy RES3 and within the associated Schedule 6.1 as a residential development opportunity where residential development is to be encouraged and supported. The Schedule has an indicative capacity of 40 units; the proposal for 41 units.

The application site is located within a mainly residential area where Policy RES1 aims to safeguard and, where practicable, enhance character and amenity. New residential development requires to be assessed against specific criteria.



The proposal is residential in nature and, with respect to the design, height and appearance of the proposed houses is complementary to existing adjacent housing. I also require to consider the impact on neighbouring property, and in this connection letters of objection. An issue of window intervisibility has been raised. Planning Application Advice Note (PAAN) 1 on "Backland and Tandem Residential Development" advises on window to window distances and the minimum requirements are exceeded therefore I am satisfied that no windows on adjacent properties are compromised. Boundary treatment has been given careful consideration and in order to address privacy concerns a 1.8 metres high close boarded screen fence is generally required along the common rear boundaries with adjacent dwellings. This will require the cutting back of some existing vegetation which does not provide adequate privacy because of the raised tree canopy. It is desirable to retain as much of this natural boundary treatment as possible, and the applicant has indicated that this will be his approach, but nevertheless on balance addressing ground floor level privacy issues has to take priority.

Concerns have also been expressed over the proposed new terraced properties dominating and overshadowing. The proposed terraces are set back from the common boundary in accordance with the dimensional requirements of PAAN3; the new houses are located to the north of the existing houses and will therefore not impact on sunlight received. With specific reference to a letter of objection, the main windows of a potentially affected house in Kirn Drive faces westwards at approximately 90 degrees to the proposed terrace gable and will have no direct view of it; the side windows have views along Kirn Drive and are forward of the front building line of the proposed terraces, hence it will have adequate access to daylight. Furthermore, daylight tests based on the Building Research Establishment's "Site Layout Planning for Daylight and Sunlight" demonstrate that daylight received by windows in existing houses comfortably passes the minimum requirements. I am therefore satisfied that the proposed terraces will not unacceptably dominate or overshadow any existing neighbouring houses. I consequently regard the proposal as compatible with the character and amenity of the area (criterion (a)).

A scheme of landscaping has been submitted which identifies a combination of new planting and the retention of some of the existing mature trees on the site. I consider the proposed landscaping treatment to be satisfactory, according with criteria (b) and (c). The proposed layout has been assessed by the Head of Environmental and Commercial Services and no concerns have been raised in respect of the Council's adopted roads guidance and Designing Streets. Furthermore, while noting the concerns raised with respect to levels of traffic and congestion in the surrounding streets, he has raised no road safety objections (criterion (d)). The site is located adjacent to existing services and consultation replies indicate that the proposed development can be accommodated. The developer will have to meet the requirements of the various service providers regarding connections (criterion (e)). The proposal is therefore compliant with Policy RES1.



With respect to PAAN3, the proposal constitutes a "large scale infill" with open space requirements applying to private garden ground and public open space. The layout meets the requirements for private garden ground which includes a minimum 9 metres distance to rear boundaries. The public open space provision is 0.01 hectares short of the specific requirement for the site. Notwithstanding this marginal underprovision, I am satisfied that in all respects the proposal accords with the character and amenity of the area and that refusal of the application solely on the basis of the public open space figure is not justifiable.

It also follows that, as development on a previously brownfield site, the proposal accords in principle with Policy SDS5. Consideration, however, requires to be given to Policy RES4 and the associated Supplementary Guidance on Affordable Housing.

The proposal is a development of more than 20 dwellings and is a prescribed site in Schedule 6.1, hence there is a requirement that the developer contributes to meeting affordable housing requirements in the Glasgow and the Clyde Valley Housing Need and Demand Assessment for Inverclyde. It has been concluded that the most appropriate form of provision is units off-site, specifically on the presently vacant site at 53 Shore Street, Gourrock. This is within the same housing market area and the site is within the control of the applicant. In order to ensure delivery of the affordable housing provision (in this instance 9 flatted dwellings which represents 22% of the development capacity), Section 75 Agreements are to be entered into by the applicant, the Council and a Housing Association which will take forward delivery of the site. There are to be two separate Agreements; one between the owners of the Kirn Drive site and the Council obliging the owners of the Shore Street site to transfer the Shore Street site to the Housing Association (in satisfaction of the affordable housing requirement for the Kirn Drive site) and the second between the owners of the Shore Street site and the Council obliging the owners of the Shore Street site to complete the formation of the affordable housing there within a specified timescale, failing which the owners of the Shore Street site will convey it to the Council at no cost. Both agreements will require to be completed and registered before the issuing of this planning permission. Together, these Agreements will ensure that the matter is within the control of the Council. I am therefore satisfied that the terms of Policy RES4 can be met but that the granting of planning permission should be dependent upon Section 75 Agreements being put in place.

Flooding and drainage are addressed by Policies INF4 and INF5. The applicant submitted a Flood Risk Assessment in support of the application and this has been considered by the Scottish Environment Protection Agency (SEPA) and the Head of Environmental and Commercial Services. SEPA offers no objection on flood risk grounds. Surface water runoff into the site has been considered and risks associated with it are regarded as low and manageable. SEPA notes that, in terms of flood management, the culvert through the site is to be upgraded or replaced and that there is to be no building over the culvert and a no build zone. The Head of Environmental and Commercial Services seeks confirmation of Scottish Water's acceptance of the proposals, the containment of surface water within the site, details of works to the Mile Burn tributary culvert, confirmation of SEPA's approval, and implementation of the recommendations in the Flood Risk Assessment. I am satisfied that the above outstanding matters may be addressed by conditions and advisory notes. Consequently I am satisfied that the proposal complies with Policies INF4 and INF5.

I therefore conclude that the proposal accords with the Local Development Plan. It remains to be considered, however, if there are any material considerations which suggest that planning permission should not be granted.

In this connection, the matters raised by the Head of Safer and Inclusive Communities, including Japanese Knotweed, may be addressed by conditions and advisory notes on a grant of planning permission.

With respect to those objections not yet addressed, issues raised that can have no bearing on the determination of the application are site maintenance and construction noise. Maintenance of the site is the responsibility of the landowner and should the condition of the site deteriorate to the extent that it became detrimental to amenity the Council has planning powers to serve notices to have the site improved and the work carried out. Should planning permission be granted there will inevitably be noise associated with the development of the site. This is to be expected for any development project. Should noise be excessive then the Head of Safer and Inclusive Communities has powers to intervene to regulate matters. The loss of ground for the walking of dogs and the impact of the proposal on the valuation of properties are also not material planning considerations.

On a procedural matter, one neighbouring property did not initially receive notification of the proposal due to a system error but the matter was rectified early in the processing of the application.

In conclusion, I am satisfied that there are no material considerations suggesting that planning permission should be refused. I therefore consider that planning permission should be granted subject to conditions but only once Section 75 Agreements are secured for the offsite provision of the affordable housing element of the proposal.

RECOMMENDATION

- A) That prior to the issuing of planning permission, section 75 agreements shall be entered into requiring:
1. the owners of the Kirn Drive site to transfer the Shore Street site to the Housing Association; and
 2. the owners of 53 Shore Street to complete the formation of the affordable housing there within a specified timescale, failing which the owners of the Shore Street site will convey it to the Council at no cost.
- B) That on registration of the Section 75 Agreements required by point A, the application be granted subject to the following conditions:
1. That prior to their use, samples of all facing materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter using the approved materials unless a variation is agreed in writing with the Planning Authority.
 2. That the approved screen fencing shall be erected along the common boundaries with the existing adjacent residential properties prior to the relevant individual dwellings being occupied.
 3. Notwithstanding the terms of condition 2 above, the approved screen fencing shall not project closer to Kirn Drive than the eastern boundary of plot 41 or the front building line of the dwelling on plot 1.
 4. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas.
 5. That all surface water originating within the site shall be intercepted within the site.
 6. That in accordance with the recommendations of the Flood Risk Assessment hereby approved, the existing culvert along the western site boundary shall be upgraded or replaced, all to the satisfaction of the Scottish Environment Protection Agency and the Head of Environmental and Commercial Services, prior to construction commencing on any of plots 24 to 29.
 7. That for the avoidance of doubt, there shall be no construction above the culvert referred to in condition 6 above, nor within the “no-build zone” shown on the approved plans.
 8. That prior to the commencement of construction, the applicant shall submit written confirmation of Scottish Water’s acceptance of the proposed development.
 9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. That for the avoidance of doubt, the landscaping scheme, including the play area, shall be implemented in full prior to the commencement of construction of the last dwellinghouse hereby permitted.
15. That prior to occupation of the first of the dwellinghouses hereby permitted, full details shall be provided of the play area, including equipment and surfacing specification.
16. That any of the soft landscaping that dies, is removed, damaged or becomes diseased within 5 years of planting shall be replaced within the following year with others of a similar size and species.
17. That the approved management and maintenance plan for the landscaping shall come into effect immediately on completion of the approved landscaping scheme.
18. That prior to the commencement of development a detailed specification of any bin stores to be provided shall be submitted to and approved in writing by the Planning Authority.
19. That for the avoidance of doubt a visibility splay of 2.4 metres by 43 metres by 1.05 metres high shall be provided and maintained at all times at the vehicular entrance to the development.

Reasons

1. In the interests of visual amenity.
2. In the interests of privacy.

3. In the interests of amenity of adjacent residents.
4. To control runoff from the site to reduce the risk of flooding.
5. To control runoff from the site to reduce the risk of flooding.
6. To control the passage of culverted waters through the site to reduce the risk of flooding.
7. To help ensure the passage of culverted waters through the site to reduce the risk of flooding.
8. To ensure adequate service connections can be achieved.
9. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
10. To satisfactorily address potential contamination issued in the interests of environmental safety.
11. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.
12. To ensure that all contamination issues are recorded and dealt with appropriately.
13. To protect receptors from the harmful effects of imported contamination.
14. To ensure an acceptable standard of residential amenity.
15. To ensure the provision of an acceptable standard of equipment.
16. To ensure retention of the approved landscaping scheme.
17. To ensure retention of the approved landscaping scheme.
18. In the interests of visual amenity.
19. In the interests of pedestrian and vehicular safety.

Stuart Jamieson
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.

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