

Report To: The Planning Board

Date: 5 April 2017

Report By: Head of Regeneration and Planning

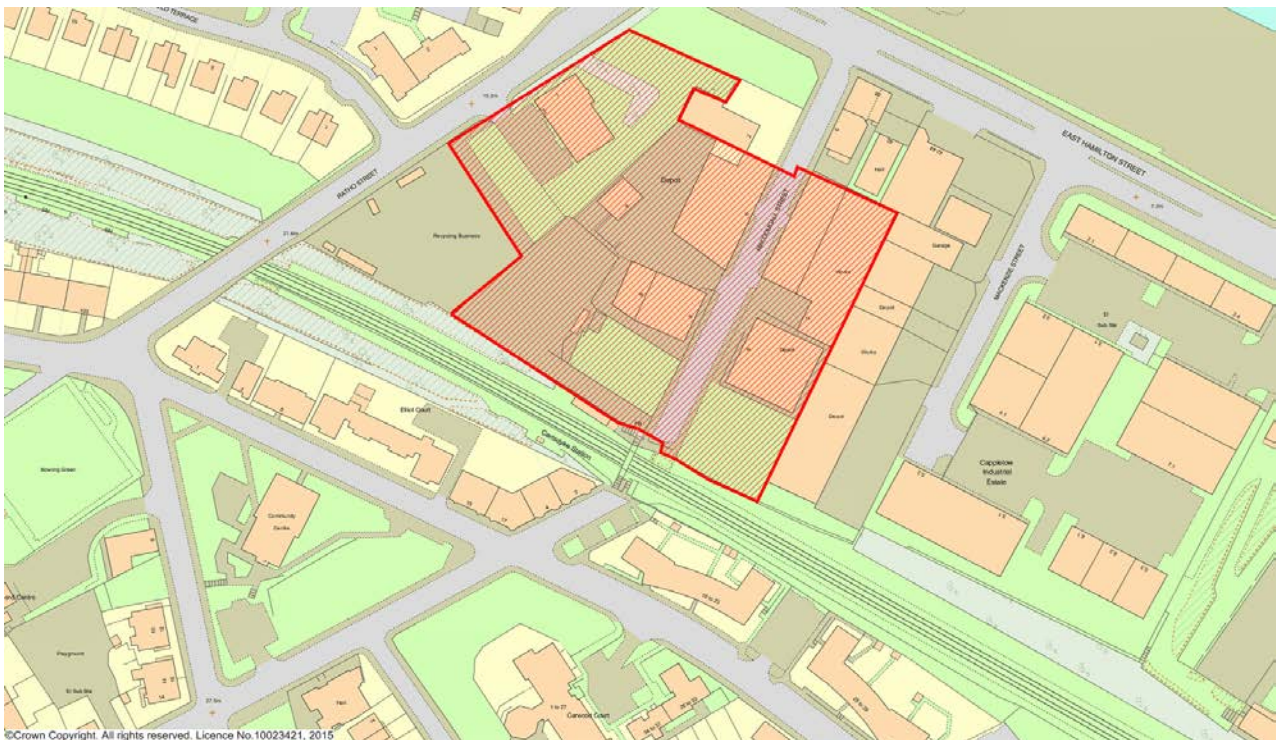
Report No: 09/0223/IC
Plan 04/16

Major Application
Development

Contact Officer: Guy Phillips

Contact No: 01475 712422

Subject: Erection of 104 flats together with new access road off Ratho Street, car parking and closure of section of MacDougall Street to vehicular traffic from East Hamilton Street (in principle) at Ratho Street / MacDougall Street, Greenock



SUMMARY

- The proposal is contrary to the Inverclyde Development Plan.
- Eleven written representations have been received, all objecting to the application.
- The recommendation is to REFUSE PLANNING PERMISSION

Drawings may be viewed
at: <https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=KNJFFSIM00B00>

SITE DESCRIPTION

The 1.39ha site slopes down gently to the north-east of Cartside Station and the associated railway line. MacDougall Street runs north-east through the site from the station towards East Hamilton Street (the A8 dual carriageway). An approximately 100m length of MacDougall Street and industrial buildings and yards to each side are included within the site, as is the "Reach for Autism" building on Ratho Street. To the east, the site is adjoined by the rear of industrial premises at Cappielow Industrial Estate which front MacKenzie Street. Adjoining to the north are a grassed area of open space, a motor factor's premises fronting MacDougall Street, a tenement with commercial premises at ground floor at the junction of MacDougall Street and East Hamilton Street, and the rear of St. Barnard's Mission and a car sales garage, both fronting East Hamilton Street. A scrap yard to the west of the site lies between the railway line and the "Reach for Autism" premises. Across Ratho Street is a mixture of flats and houses at Kincaid Court.

PROPOSAL

Planning permission in principle is sought for a flatted development accessed from Ratho Street. An indicative site layout plan and cross section have been submitted with the application; this portrays a spine road curving east from Ratho Street with six, four storey blocks of flats of varying footprint comprising 100 x two bedroom and 4 x three bedroom flats. Two hundred and eight parking spaces are to be formed, resulting in an overall provision of 200%. MacDougall Street is to be closed with a turning head formed to the south-west of the motor factor's building. Vehicular access between the development site and the turning head is to be prevented by a line of bollards. At the south-west corner of the site adjoining the scrap yard and railway line an area of open space containing a children's play area is proposed.

Also accompanying the application are a Planning Statement, a Transport Assessment and a combined Drainage Impact Assessment and Flood Risk Assessment.

LOCAL DEVELOPMENT PLAN POLICIES

Policy ECN1 : Business and Industrial Areas

(c) Economic Mixed Use Areas

The business and industrial areas listed in Schedule 4.1 and identified on the Proposals Map as ECN1(c) will be safeguarded, and while there will continue to be a presumption in favour of new development proposals for business, general industrial and storage or distribution (Use Classes 4, 5 and 6), other uses that would contribute to permanent employment creation or be clearly supportive of the operation of existing businesses will be supported, provided they are not uses typically associated with Town Centres, subject to Policy ECN3.

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.

CONSULTATIONS

Transport Scotland – no objections.

Head of Environmental and Commercial Services –No objections to the indicative layout, flood risk assessment and transport assessment.

Scottish Environment Protection Agency West - No objections.

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.

Network Rail - No objections.

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

Eleven written representations raising objections to the proposal have been received. The objectors are concerned that:

- The Local Development Plan identifies the site for business and industrial use.
- Congestion shall be created and road safety shall be adversely affected.
- The Reach for Autism building and industrial premises shall be demolished resulting in a loss of employment.
- Flooding occurs at the junction of East Hamilton Street and MacDougall Street.
- Access to Cartsydyke railway station shall be restricted.
- The area shall be over-developed.
- There shall be development upon MacDougall Street which is a public road.

ASSESSMENT

At the time of submission in 2009, Policy B1 of the Inverclyde Local Plan identified the site for industrial and business use; consequently the applicant was advised that the proposal would not be supported. The applicant requested that the application be put on hold pending consideration of representations that would be made in support of the site's re-designation as a housing site in the forthcoming Local Development Plan. Now that the Plan has been adopted, the applicant has requested that the application be determined.

It should also be noted that the planning application in principle was submitted prior to the Town & Country Planning (Development Management) Procedure Regulations 2008 coming into force in 2009. The Regulations introduced a requirement for pre-application consultation for major applications. However, while the scale of development determines that it is now considered to be a major application, due to the timing of its submission the application did not require to be the subject of pre-application consultation.

The material considerations in the determination of this planning application are the Local Development Plan, the consultation responses, the Planning Statement, the Traffic

Assessment, the combined Drainage Impact Assessment and Flood Risk Assessment and the written representations. It is required that the application be determined in accordance with the Local Development Plan unless other material considerations indicate otherwise.



The proposal is located on land covered by Local Development Plan policy ECN1(c); this is the key policy for establishing whether the proposal is acceptable in principle. Following the request from the applicant to have the site designated as residential land in the Local Development Plan, a full assessment was carried out and a decision taken to retain the site as an economic mixed use area. This position was set out in the Main Issues Report (2011), with the reasoning and full site assessment detailed in the accompanying Background Report "Suggested Development Sites". The site was also designated as an economic mixed use area in the Proposed Plan (2013). Following public consultation on the Main Issues Report (2011) and the Proposed Plan (2013), no comments/objections were received and the proposed site was designated as proposed.



Policy ECN1(c) Economic Mixed Use Areas safeguards areas, including this site, with a presumption in favour of new development proposals for business, general industrial and storage or distribution (use classes 4, 5 and 6). The policy also supports other uses that would contribute to permanent employment creation or be clearly supportive of the operation of

existing businesses. The proposed residential development fails to fit with the other uses which Policy ECN1 supports and is clearly contrary to the Local Development Plan.

Notwithstanding the Local Development Plan, I require to consider the merits of the proposal and determine if approval contrary to the Plan is merited. Firstly, I note that access to Carlsdyke Station is maintained and there are no objections to the proposal from Network Rail. SEPA and the Council's flooding officer have not raised objections to the findings of the combined Drainage Impact Assessment and Flood Risk Assessment, agreeing that there shall be a zero impact in terms of potential flooding to new buildings or the surrounding area. I also note that there are no objections to the proposal from Transport Scotland and the Head of Safer & Inclusive Communities. I am content that proof of the approval of drainage details by Scottish Water and of the proposed Sustainable Urban Drainage System by SEPA, as requested by the Head of Environmental and Commercial Services, could be achieved by the attachment of a suspensive condition to a planning permission. The indicative layout plan suggests that the scale of development proposed may be facilitated within the site and in accordance with the Council's open space guidelines. Policy RES4 of the Plan requires that an affordable housing contribution at the benchmark figure of 25% would require to be secured from the applicant; the applicant offers no objection to compliance with this requirement.

In summary, while the development proposed may be implemented without adverse impact on the range of infrastructure elements including road network, drainage and flooding the proposal is contrary to the Local Development Plan being within an area safeguarded for business and industrial uses.

RECOMMENDATION

That the application be refused for the following reason:

The proposal is contrary to Policy ECN1(c) of the Local Development Plan which seeks to safeguard the site for economic mixed use and presumes in favour of new development proposals for business, general industrial and storage and distribution (Use classes 4, 5 and 6).

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.