

**A meeting of the Planning Board will be held on Wednesday 6 January 2021 at 3pm.**

**This meeting is by remote online access only through the videoconferencing facilities which are available to Members and relevant Officers. The joining details will be sent to Members and Officers prior to the meeting.**

**In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.**

**Please note that this meeting will be recorded.**

GERARD MALONE  
Head of Legal & Property Services

## **BUSINESS**

1.	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2.	<b>Planning Applications</b> Reports by Head of Regeneration & Planning on applications for planning permission as follows:-	
(a)	<b>Link Group</b> Landscape enhancement works: Land Adjacent to Pennyfern Road, Inverkip Road, Greenock (20/0142/IC)	<b>p</b>
(b)	<b>Today's Tomorrow</b> Use of building to provide 24 hour care and support to 4 vulnerable children: Cottage 32, Lloyd House, Faith Avenue, Quarriers Village (20/0255/IC)	<b>p</b>
<p>Please note that because of the current COVID-19 (Coronavirus) emergency, this meeting will not be open to members of the public.</p> <p>The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.</p>		

In terms of Section 50A(3A) of the Local Government (Scotland) Act 1973, as introduced by Schedule 6, Paragraph 13 of the Coronavirus (Scotland) Act 2020, it is necessary to exclude the public from the meetings of the Planning Board on public health grounds. The Council considers that, if members of the public were to be present, this would create a real or substantial risk to public health, specifically relating to infection or contamination by Coronavirus.

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

**Report To:** The Planning Board

**Date:** 6 January 2021

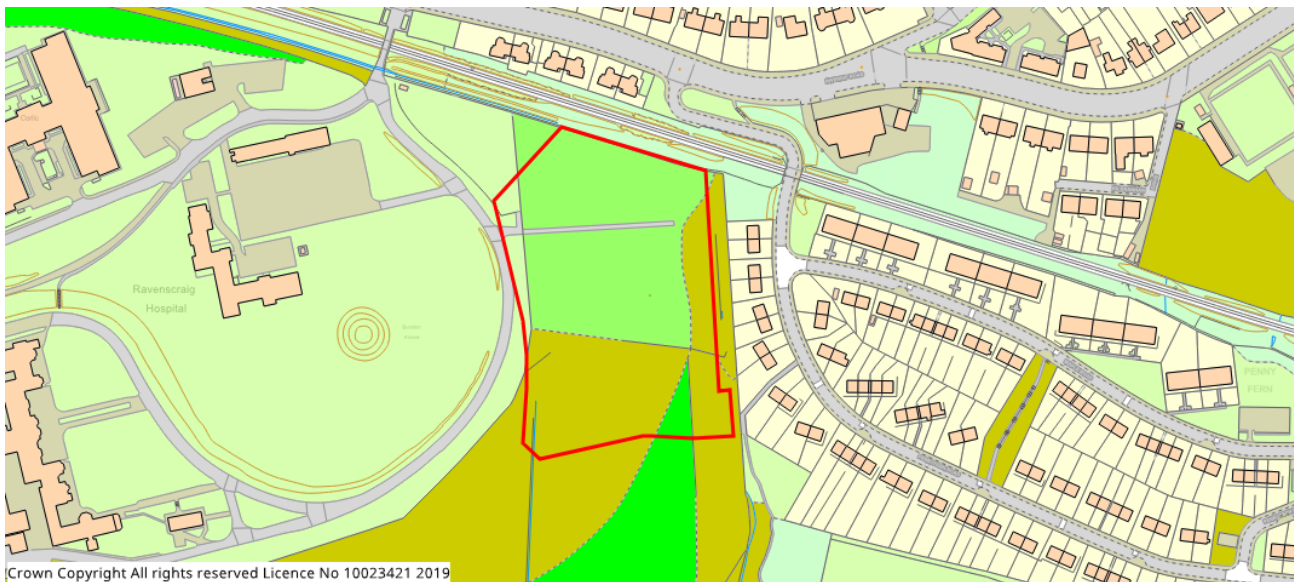
**Report By:** Head of Regeneration and Planning

**Report No:**  
20/0142/IC  
Plan 01/21  
Local Application  
Development

**Contact  
Officer:** David Ashman

**Contact No:** 01475 712416

**Subject:** Landscape Enhancement Works at  
Land Adjacent to Pennyfern Road, Inverkip Road, Greenock



## SUMMARY

- The proposal accords with the Inverclyde Local Development Plan
- Four representations were received, two of which are objections with the other two representations (including a 16 signature petition) making points and asking questions
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QD1NW8IMHGJ00>

## SITE DESCRIPTION

The application site comprises a 1.8 hectare area of ground to the east of the development site forming part of the former Ravenscraig Hospital grounds at Inverkip Road, Greenock. The site is

roughly rectangular in shape and located close to the common boundary with the northernmost houses on the west side of Pennyfern Road. The boundary treatment to these houses is mixed, comprising mainly a brick wall of varying height in the range of approximately 1.8 metres to over 2.3 metres high and, over a more limited area, an approximately 1.6 metres high metal palisade fence. There is an intervening remote footpath between the site and the southernmost houses. The walls have been colonised by vegetation in places adding to their height. There is also a line of mature trees along the application site side of this boundary. The northern boundary is defined by a line of trees and a railing with the Glasgow-Weymss Bay Railway line beyond, and the western boundary mainly by an access road to the former hospital. The southern boundary is not defined on the site but is densely covered by trees and bushes of varying states of maturity.

The site is presently populated by trees, bushes, weeds and high growing wild grasses at various stages of maturity. Many of the trees and bushes are self-seeds and have experienced stunted growth due to the mainly waterlogged conditions of the central and northern parts of the site. Indeed most of the centre of the site has such a high water table that it is only wild grasses and weeds that are presently supported. It has been noted that Japanese Knotweed has become established in places throughout the site.

The easternmost part of the site has been subject to anti-social behaviour close to the rear gardens of the adjacent properties with evidence of rubbish related to drinking, but there is also fly-tipping throughout the site. The site did not form part of the overall development plan for the former hospital grounds to the west, granted planning permission in August 2019 (planning permission 18/0205/IC), nor does it form part of the tree preservation order associated with the former Ravenscraig Hospital site.

## **PROPOSAL**

Planning permission is sought for landscape enhancement works. These are to consist of the clearance of most of the existing vegetation to allow re-profiling of the land through the creation of two separate mounded landforms involving the re-use of material sourced from the adjacent residential development site. They are to be sculpted into irregularly shaped landforms which will rise from a low point in the eastern part of the site to two separate peaks to the west.

The northernmost landform is the larger of the two and is located to the west of nos. 6-16 Pennyfern Road. The land presently slopes down at a relatively gentle gradient in a northerly direction at this point. Ground levels within approximately 23 metres of the houses to the east will remain undisturbed to ensure retention of the existing mature trees close to this boundary. Thereafter the slope will be sculpted in a manner that will be built up sharply before slightly levelling off at a height varying from approximately 0.5 metre to 3 metres above the existing ground level at a distance of 42 metres from the houses to the east. The higher elevation will be at its northernmost point. This part of the slope, the land between the slope and the mature trees to be retained and the slope's northern return are to be planted with whips at 2 plants per square metre spacing in groups of 3 and 5. The species to be planted are a mix of Lime, Alder, Willow, Aspen, Birch, Rowan, Sycamore, Hazel, and Elder. Thereafter the northern platform is to be grass seeded and will rise more gradually westwards to reach a singular point peak height of approximately 5 metres above existing ground level. This point is approximately 95 metres from the nearest house to the east. The western slope of the landform is also to be planted with the tree and bush mix described above.

The southern landform, which is to the west of the houses at 18-22 Pennyfern Road, is smaller in area but more sharply profiled to its peak height. Ground within approximately 35 metres of the nearest house to the east, which is situated across the intervening Greenock Cut path, will remain undisturbed to again retain existing trees. Thereafter the southern mound will rise steeply to a singular point peak of approximately 5 metres above existing ground level. This point is approximately 93 metres to the west of the nearest house. The entire surface area of this feature is to be planted with the tree and bush species mix described above.

In addition to the formation of these landforms the application plans show the formation of a small informal path network, consisting of a mown grass surface. The main path will connect the road to the west with the Greenock Cut path to the east, running between the two landforms. A further two informal paths branch off this one, the first of them rising to the top of the northern landform, the second narrower one tracing a line along the top of the easternmost part of the platform adjacent to the planted slope. This path continues down towards the easternmost SUDS pond associated with the housing development to the west.

Between the northernmost landform and the boundary with the railway line a native wildflower meadow is to be created. Elsewhere on the site a native long grass seeding mix is to be used.

The application plans also show the formation of a stone filled cut-off trench around the northern landform and extending to the eastern boundary of the southern landform. This is to discharge back into an existing land drain pipe prior to discharging into the railway ditch. A drainage ditch is also shown from the western part of the southern landform connecting to the existing land drain pipe.

The applicant has provided supporting documentation in the form of a preliminary ecological appraisal. This was requested to allow consideration of any potential adverse ecological impacts of the proposed works. The report confirmed that the site had already been surveyed in connection with application 18/0205/IC. It concludes that the habitats presently within the site are of low ecological value. It considers that common amphibian, common birds, bats, badger and hedgehog could potentially be impacted by the proposed amenity improvement work, therefore ecological management recommendations are included in the study.

A supporting statement has also been provided setting out the purpose behind the proposal. It notes that the final levels are in keeping with the historical profiles of the surrounding area, notably Bunston Knowe and the steep sided platforms on which the original hospital building was developed. It is indicated that there will be community benefits in the form of:

- Enhancing informal footpaths and improving access for disabled and low mobility residents;
- Opening sightlines to prevent anti-social behaviour and other criminal activities;
- Providing drier and enhanced growing conditions to support the proposed vegetation;
- Connecting spaces to the Greenock Cut;
- Creating a designated usable space for proposed and existing residential properties enhancing their enjoyment of the local area and ability to exercise outdoors.

The statement also provides technical and test details of the materials to be used in the formation of the landforms. Based on the investigative reports for materials associated with the adjacent residential development it is considered that the proposed made ground presents a low risk to the water environment. Chemical tests have shown that the material in general is suitable for use within the application site. Additional confirmatory testing is to be undertaken once they are in the stockpiles to be used. If necessary the landforms will be finished with an environmental capping layer comprising 450mm of clean soil which may originate from the adjacent site, subject to acceptable test results. It is also considered that the proposal represents a more sustainable, positive way of utilising surplus materials from the adjacent residential development which prevents them being disposed of to landfill and the negative environmental impacts and safety implications of transfer off-site and disposal.

It should also be noted that in response to a request from my Service the applicant engaged with the nearest residents in Pennyfern Road most likely to be affected by the proposal prior to submission of the application. The applicant advises that two representations were submitted to the applicant both of which are supportive of the proposals.

## **DEVELOPMENT PLAN POLICIES**

### **Policy 1 - Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

### **Policy 35 - Open Spaces and Outdoor Sports Facilities**

Proposals for new or enhanced open spaces, which are appropriate in terms of location, design and accessibility, will be supported.

Development proposals that will result in the loss of open space which is, or has the potential to be, of quality and value, will not be permitted, unless provision of an open space of equal or enhanced quality and value is provided within the development or its vicinity.

Outdoor sports facilities will be safeguarded from development except where:

- a the proposed development is ancillary to the principal use of the site as an outdoor sports facility, or involves only a minor part of the facility and would not affect its use for sport and training;
- b the facility to be lost is to be replaced by a new or upgraded facility of comparable or better quality, which is convenient for the users of the original facility and maintains or improves overall playing capacity in the area; or
- c a relevant strategy demonstrates a clear excess of provision to meet current and anticipated demand, and the development would not result in a reduction in the overall quality of provision.

## **CONSULTATIONS**

**Scottish Environment Protection Agency West** – No objection but advice is provided. The submission of a paragraph 19 exemption is required to allow full consideration as to whether exemption from waste management licence is justified. The re-use of the material is in line with the remediation strategy agreed with the Local Authority, including re-use of these materials below a capping layer. There is no objection to the suitability of material used in line with the remediation strategy.

**Head of Service – Roads and Transportation** – No objection, subject to drainage plans being implemented.

**Head of Environmental and Public Protection (Environmental Health)** – Comments have been provided as follows:

- Ground investigations and risk assessment has not extended into the area of land. However, this area of land has been largely undeveloped, absent of historical industrial processes and is therefore anticipated to be without any significant contamination. The additional information states that materials used in this area will be demonstrated to be suitable for use (i.e., will not cause harm to human health, the water environment or the wider environment). This is in line with best practice guidance and is a proposed conditioned requirement.
- In its current state this land is vacant space between two neighbourhoods with fly tipping and is prone to surface water flooding. The proposals are considered to provide a substantial improvement to the land's local community amenity value with landscaping,

planting and new access routes east/west and connection to the Greenock Cut (to the north).

- The revised design with reduced levels, less steep gradients and improved access, removes concerns about the original design topography impeding access for any future maintenance that might be required.
- The explanation for the deposition of material as a necessary element in the overall improvement to this area of land is better defined in this resubmission and the reuse of materials would be in line with sustainable development objectives and Scottish Government Circular Economy policy. The resubmission takes into consideration the SEPA Land Remediation and Waste Management Guidance, and the proposed protection measures are consistent with those agreed with the Planning Authority in the main redevelopment area remediation scheme. The submitted material management plan meets our requirements; note this includes a verification process, to be reported on completion of the development works.

The following conditions are suggested:

1. That prior to the start of these proposed works, 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 appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
2. That these proposed works shall not commence until a Material Management and Verification Plan has been submitted for approval, in writing by the Planning Authority. This shall include maintenance/aftercare information and details of all materials used as fill and landscaping material. Reused materials from within the site should adhere to the six criteria set out in the SEPA Land Remediation and Waste Management Guidance. The details of such materials shall include information of the material source, volume, chemical characteristics (including soil-leachate analysis) and purpose of intended use, with plans of placement and thickness.
3. That before the development hereby permitted is completed the applicant shall submit a Verification Report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme, Material Management and Verification Plan.

**Ecological Advisor** – The ecological study is considered to be accurate with the correct procedures followed, at an appropriate time and by a surveyor with the necessary knowledge. The habitats to be lost are agreed to be of low significance. There are some concerns over the extent to which disturbance to birds has been considered but this may be addressed by conditions. The Environmental Management Plan is good. It is recommended that works must take place outwith the bird nesting season (March to August inclusive), otherwise a suitably qualified ornithologist should be engaged. Bat boxes should be included in the Environmental Management Plan.

## **PUBLICITY**

The application was advertised due to no premises on neighbouring land.

## **SITE NOTICES**

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

## PUBLIC PARTICIPATION

Two objections were received from one individual. A further individual took a neutral position in two submissions, not objecting to the proposed enhancement of the ground but making points. One of the latter individual's representations also attached a petition list with 16 signatures from nearby residents expressing concerns and asking questions. Collectively the points of objection and other points are as follows:

- Given the issues with toxic land on the adjacent site it would be better if the ground was left undisturbed.
- The ground does not appear to have been investigated to check for toxicity. A geo-environmental study should be carried out to show the ground is safe.
- It is a lovely piece of green land in its present condition.
- No mention is made of deer, foxes, hedgehogs, squirrels, pine martins and woodpeckers that inhabit the ground.
- No benefits for tenants in the surrounding area.
- Concerns about drug taking and alcohol influenced parties.
- The money could be spent on something more beneficial in a more deserving area.

## ASSESSMENT

The material considerations in determination of this application are the Inverclyde Local Development Plan (the LDP), the consultation responses, the representations, the planning history of the site, the condition of the adjacent land and the studies associated with it particularly in view of the proposed relocation of materials, the amenity impact in terms of visual impact and privacy concerns and the perceived benefits of the proposal.



Aerial view from the north. The site is to the left of the picture within the "L" shape former by Inverkip Road and Pennyfern Road

The application site is located within an area designated as open space within the LDP. Policy 35 of the LDP is of direct relevance. This indicates that proposals for new or enhanced open spaces which are appropriate in terms of location, design and accessibility, will be supported. The question is therefore whether or not the proposal amounts to enhanced open space? I shall first consider the present condition of the ground.

The site forms part of the grounds of the former Ravenscraig Hospital, located off Inverkip Road in Greenock. Planning permission 18/0205/IC was granted in August 2019 for residential development of the former grounds although the application site boundary did not extend



eastwards to include the current application site. The present condition of the site is as I have described above.

Although not forming part of the application site for the adjacent residential development, an ecological appraisal was carried out in support of the adjacent development and the study area included the current application site. This assessed the site to be a mix of plantation woodland, neutral grassland and swamp of low ecological value. Whilst this study considered the impacts on flora and fauna it was appropriate to request a new preliminary ecological assessment to update the original report given the passage of time since the original study was carried out. This was completed by the applicant and considered and accepted by the Council's ecological adviser. Conditions will be required to address bird breeding season and an element of biodiversity gain but the report was accepted in general terms.



Looking southwards through the centre of the site

I am therefore satisfied that the proposed works, in principle, will not have an adverse ecological impact and will, as the planting matures, bring ecological benefit. With regard to site enhancement I agree with the positive benefits identified by the applicant as set out above but to these I would add:

- Addressing the Japanese Knotweed infestation which could spread to affect neighbouring properties if left untreated;
- Diverting surface waters away from neighbouring properties (this was identified from discussions with residents in adjacent gardens as an existing problem);
- Litter removal;
- Enhancing biodiversity through the variety of tree and grass species proposed.

On this basis I conclude that the proposal constitutes the enhancement of the open space in accordance with Policy 35.

Also of relevance is Policy 1 of the LDP which requires that development have regard to the six qualities of successful places. The relevant factors in this instance being “distinctive”, in using native species in landscaping and create habitats for native wildlife; being “easy to move around”, in being well connected with good path links to the wider path network, public transport nodes and neighbouring developments; being “safe and pleasant”, in avoiding conflict between adjacent uses by having regard to adverse impacts that may be created, particularly in this instance with regard to flooding and invasion of privacy, avoiding creating spaces that are unsafe or likely to encourage or facilitate anti-social behaviour or crime, enable natural surveillance of spaces, and incorporate green infrastructure and provide links to the green network.

The proposal involves the planting of native species which will create a new habitat for wildlife and provide new links to the green network. The proposed footpath links to the Greenock Cut will result in footpath links being established where there are presently none. Furthermore, the proposed footpath links and the general clearance work will open out the site and create passive surveillance which will help to address the present anti-social problem. The applicant is also to provide stone filled trenches to address the current water ingress problems from the site experienced by neighbouring residents on Pennyfern Road.



Trees and boundaries along the rear boundaries of properties at Pennyfern Road

Privacy impact is an issue that has been given careful consideration. From pre-application discussions through to the landscape design presently being considered, there have been three different iterations. I am satisfied that the current proposal addresses previous privacy concerns in restricting ground level alterations in close proximity to the neighbouring properties at Pennyfern Road by concentrating the highest elevations of the landforms to a significant distance from these properties. The nearest slopes to the existing residences will be heavily planted with trees and bushes which will support the screening function of the line of mature trees which presently border

these residences. The retention of these trees may be secured by condition in respect of tree protection measures.

The unplanted parts of the northernmost landform where people could in theory stand are set back 42 metres from the rear of the nearest houses, with intervening screening provided by not only the aforementioned line of mature trees but also the existing high boundary walls with their colonised vegetation. The southern landform is to be fully planted and will have steep slopes which will deter public use. I am therefore satisfied that the proposal will not have any unacceptable privacy implications for the existing adjacent residences. It therefore follows that I consider the proposal will result in a successful place in accordance with Policy 1.

Consequently the proposal is considered to accord with the LDP. It remains to be considered, however, if there are any other material considerations which suggest that planning permission should not be granted. In this regard I turn first of all to the consultation replies not so far addressed.

SEPA was consulted on the proposal in respect of the impact of land raising on drainage and the implications for the re-use of materials from the adjacent site. Both SEPA and the Council's Head of Service – Roads and Transportation, in her role as Flooding Officer, have expressed no objection in respect of site drainage, subject to appropriate conditions. With regard to the re-use of materials the applicant will require to liaise further with SEPA in respect of potential licencing issues but, as far as SEPA's role relates to planning considerations, I note that they have no objections in this regard.

SEPA make reference to the agreed remediation strategy for the adjacent development site, which is of relevance to this application as it is to be the source of much, if not all, of the material in the formation of the landforms. The remediation strategy was agreed with the Head of Environmental and Public Protection (Environmental Health). This was to address concerns over the nature and levels of contaminants found in parts of the adjacent site and the best method(s) of addressing these. It was concluded that natural soils were suitable for re-use and that made ground could be re-used but must be placed beneath hardstanding or an engineered capping layer. The minimum thickness of the capping layer is to be 450mm for communal soft landscaping areas. Materials to be re-used and which have not been tested to date are to be tested prior to use. It is most sustainable to deal with the material at source or thereafter elsewhere within the site, with removal to landfill the least sustainable option.

The Head of Environmental and Public Protection (Environmental Health) has considered the condition of the site and the proposals. He concludes that the land has been largely undeveloped, is absent of historical industrial processes and is therefore anticipated to be without any significant contamination. It is noted that the applicant's supporting information indicates that materials to be used in the area will be demonstrated to be suitable for use (i.e., will not cause harm to human health, the water environment or the wider environment). This is considered to be in line with best practice guidance and is to be a conditional requirement. The treatment of Japanese Knotweed on the site will also need to be addressed by condition. It may therefore be concluded that, subject to the appropriate testing regime in accordance with the agreed remediation strategy for the adjacent development site, it is acceptable for materials from the adjacent site to be re-used in the creation of the proposed landforms.

Turning to the representations and objections which have been made, I consider that most of the points have been addressed in the above assessment. The application that has been submitted represents the applicant's decision to invest in the site. The diversion of resources to another project elsewhere is not a material planning consideration.

The proposed works will result in a significant change to the profile of the land within the site and it is accepted that in the short term, before the grass and wildflower seeding mix germinates and grows and the tree and bush planting develops into leaf and begins to mature, the appearance of the site will be rather stark. I consider, however, that the longer term benefits to be gained outweigh this short term impact. I also note that there is a land profile context within the vicinity in the form of the terraces on which the new housing is being developed, which rise up to 9 metres above adjacent roads, and the even closer proximity of Bunston Knowe mounded landform, which rises up to 10 metres high above the surrounding land. The proposed landforms will therefore be viewed in context.

I am therefore satisfied that there are no material considerations which suggest that planning permission should not be granted for the proposed development. I also consider that the proposed landscaping will be of benefit to both the future residents of the development to the west and existing residents to the east, addressing many of the problems they experience related to the ground. I do consider, however, that it is very important that the development be regulated, especially the use of materials imported from the adjacent site and permission should therefore be appropriately conditioned.

## **RECOMMENDATION**

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

1. That prior to the start of the proposed works, 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 appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
2. That these proposed works shall not commence until a Material Management and Verification Plan has been submitted for approval in writing by the Planning Authority. This shall include maintenance/aftercare information and details of all materials used as fill and landscaping material. Reused materials from within the site should adhere to the six criteria set out in the SEPA Land Remediation and Waste Management Guidance. The details of such materials shall include information of the material source, volume, chemical characteristics (including soil-leachate analysis) and purpose of intended use, with plans of placement and thickness.
3. That before the development hereby permitted is completed the applicant shall submit a Verification Report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme, Material Management and Verification Plan.
4. That the proposed works shall be carried out either outwith the bird nesting season (March to August inclusive) or alternatively not without the presence of a qualified ornithologist, the latter to be approved in writing by the Planning Authority prior to the commencement of works.
5. That prior to the commencement of development an Environmental Management Plan (EMP) shall be submitted to and approved in writing by the Planning Authority and shall contain, in full, the recommendations set out in section 4 of the Preliminary Ecological Appraisal, dated July 2020 and submitted with the application. In addition, provision shall be made for bat boxes within the EMP.
6. That existing trees along the eastern boundary of the development site are to be protected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012. The final position of protection measures and the specific trees to be retained shall be identified through a site meeting with the Planning Authority before the commencement of development.

7. That the planting and seeding identified on approved drawing RH-RF-XX-XX-DR-T-0038 Rev P11 shall be carried out on completion of the formation of the associated landforms.
8. That any of the planting approved under condition 7 which dies, becomes diseased, is removed or damaged within 5 years of planting shall be replaced during the following planting season with others of a similar size and species.
9. That prior to the commencement of development details of a management and maintenance regime for the planting approved under condition 7 above shall be submitted to and approved in writing by the Planning Authority.
10. That the drainage features shown on approved drawing 120756B/7001 Rev C shall be put in place, at the latest, on completion of the creation of the landforms. For the avoidance of doubt, if the stone filled trench closest to the eastern boundary is not to be put in place prior to the creation of the landforms, full details of an alternative drainage arrangement shall be provided prior to the commencement of development elsewhere within the site.
11. That the existing eastern boundary fencing shall be opened to provide access to the path to the Greenock Cut upon completion of the site development.
12. That existing litter within the site shall be wholly removed upon completion of the development.
13. That the northernmost path shall be continued to connect with the access road to the west.

#### Reasons

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address waste management and potential contamination issues in the interests of human health and environmental protection.
3. To ensure contamination is not imported to the site and confirm successful completion of protection systems in the interest of human health and environmental safety.
4. In the interests of wildlife protection.
5. In the interests of wildlife protection and to support biodiversity.
6. To ensure protection of the trees not to be removed.
7. To secure the proposed biodiversity gains.
8. To ensure protection of the biodiversity gains.
9. To ensure protection of the biodiversity gains.
10. To address existing and potential future flooding of the adjacent properties.
11. To secure the beneficial connection to the path to the Greenock Cut.
12. To ensure this environmental improvement is secured.
13. To ensure provision of a useable path.

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.

**Report To:** The Planning Board **Date:** 6 January 2021

**Report By:** Head of Regeneration and Planning **Report No:** 20/0255/IC  
Plan 01/21

**Contact Officer:** Sean McDaid **Contact No:** 01475 712412

**Subject:** Use of building to provide 24 hour care and support to 4 vulnerable children at  
Cottage 32, Lloyd House, Faith Avenue, Quarriers Village



## SUMMARY

- The proposal complies with the Inverclyde Local Development Plan and the Planning Policy Statement on Our Homes and Communities
- Sixty seven representations have been received including thirty seven objections and thirty in support
- The recommendation is to GRANT PLANNING PERMISSION subject to a condition

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QIYXNWIMII000>

## **SITE DESCRIPTION**

The site is a detached building located towards the north-east boundary of the village and in close proximity to the River Gryffe. The building is currently unoccupied and surrounded by temporary metal mesh fencing.

The building is constructed in stone with slates on the roof and contains three storeys, with one of the storeys at basement level on its north side where the ground level is lower as a result of the topography.

Access to the building is taken past Sommerville Weir Hall and then via the access road that drops at a steep gradient between dwellinghouses to the north-west and around Cottage 30 to the south-east. This access continues onwards beyond the building. There is also an access that runs past the south side of Cottage 30 as well as Cottage 34 that leads to the south side of the building. The ground levels to the south of the building are elevated above the ground levels to the north and there is a retaining wall that runs between this building and Cottage 30 at the basement levels of both buildings.

## **PLANNING HISTORY**

It is important to note the planning history of the building in the first instance. Planning permission IC/98/018 was granted on 9 March 1998 for a change of use of this building from a residential care unit to a private dwellinghouse. It is understood that the building was then occupied as a dwellinghouse. In a subsequent planning application in 2002 for a conservatory the application form refers to the existing use of the building as a "private dwellinghouse".

An application for a certificate of lawfulness (20/0009/CPL) in relation to the proposed use of the building to provide care and support for four children was submitted in September 2020. This application was made on the basis that there was no material change of use involved between the existing and proposed uses. The applicant considered the existing building to be a dwellinghouse under Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) and the proposed use to be a Class 9 use as well.

In considering an application for a certificate of lawfulness relating to a proposed use the planning authority needs to be satisfied as to the lawfulness of the existing use. In this case this would require evidence of continuous occupation of the building as a dwellinghouse for 4 years prior to the submission of 20/0009/CPL. However information provided during the course of the processing of 20/0009/CPL to the applicant by the owner of the building indicated the building was last occupied as a dwellinghouse in 2016. As continuous occupation could not be demonstrated 20/0009/CPL was withdrawn by the applicant on 27 October 2020 and this planning application was then submitted.

## **PROPOSAL**

This application relates to the proposed use of the building to provide care and support for four vulnerable children. The intention is to provide a family home environment for the children to be cared for. It has been indicated by the applicant that they have suffered trauma from an early stage in their lives, resulting in the need to be looked after away from their family home.

It has been indicated that only the four children will reside in the property and they are to be supervised at all times, both inside and outside. The children are likely to be between 5 and 13 years old and the aim is for them to live in the building as long term placements. Staff is made up of two teams, comprising six day staff and four night staff, working a twelve hour shift pattern. A manager is to be based in the building 40 hours per week and the days and times will depend on the needs of the business.

This will result in there being 3 staff on shift between the hours of 8am and 8pm plus the manager and then two night staff between 8pm and 8am. There will be no overlap of shifts.



On the first floor there are four rooms which the applicant has indicated are to be the main bedrooms. On the ground floor there are 5 rooms which are to be used as an office, living area, kitchen, staff toilet and dining area. It has not been decided how the basement level is to be used however the applicant has indicated it is likely to be used for additional space for the children.

The applicant has indicated that there is parking for two cars immediately outside the building and further shared spaces for two cars in a communal area between the building and Cottage 30.

There are no external alterations indicated on the application. If there are to be external alterations these may require a separate planning permission.

## **DEVELOPMENT PLAN POLICIES**

### **Policy 1 – Creating Successful Places**

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

### **Policy 11 - Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 28 - Conservation Areas**

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

## **PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES**

### **Policy D - Residential Areas**

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

## **CONSULTATIONS**

**Head of Service - Roads and Transportation** - Has advised on the required amount of parking, based on National Parking Standards, for the proposed development as a residential institution, which is 6 spaces.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 6 November 2020 as development affecting a conservation area and as there are no premises on neighbouring land.

## **SITE NOTICES**

A site notice was posted on 6 November 2020 for a development affecting a conservation area.

## **PUBLIC PARTICIPATION**

The application has been the subject of neighbour notification and 66 representations have been received of which 37 object and 29 support the application. The points of objection may be summarised as follows.

### Structural/building related issues

- The building is in poor state of repair/fire damaged and not suitable for the proposed use and the garden is unsafe with exposed foundations.
- Health and safety concerns as there is no reference to a fire safety/sprinkler system.
- No access for emergency vehicles.

### Amenity issues

- Lack of a garden around the property for the children.
- Poor access to the building, limited parking and poor road condition which is likely to be damaged during reconstruction and by additional traffic.
- Impact in terms of noise, disturbance, construction traffic and air pollution.
- Impact on the existing community as current amenities in village are poor and there are no amenities for children other than a small play park.
- Older children roaming around the village unsupervised/anti-social behaviour and impact on existing residents and their property.
- The proposal is not in line with similar properties in the village/existing residential care is provided to adults needing supported living or young adults with physical disabilities.
- Potential adverse impact on adjacent care facilities.
- Proximity to River Gryffe in terms of child safety and susceptibility to flooding.

### Miscellaneous

- Questions over the available finance to the applicant and applicant has no track record.
- Impact on property values.
- Inaccurate information in the application form with regard to last use of the property, parking spaces (it is claimed there are none), no details of internal works, existing unauthorised works (replacement of windows).
- Local bats may be affected.

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

- The building is in need of repair and the proposal will support this.
- The proposal is a good idea and to provide support for children, subject to Care Inspectorate requirements being met.
- The proposal will bring economic value to business in the wider area.
- An ideal location for the proposal.
- An asset to the community.
- There is a need for the type of proposal in this area.

- Proposed use accords with the ethos and history of the village and neighbouring care facilities provided by the Quarrier's charity.

In addition The Kilmacolm Civic Trust has no objections to the application as it will bring a building in poor condition back into use.

## **ASSESSMENT**

The material considerations in the determination of this application are the Inverclyde Local Development Plan (LDP); the Planning Policy Statement on Our Homes and Communities; and the amenity impact of the proposal.

Policy 1 requires all development to have regard to the six qualities of successful places. The relevant factors in this instance are being "Distinctive" in contributing positively to historic buildings and places; being "Adaptable", in ensuring buildings can be adapted for a range of uses and avoiding creating buildings that will become neglected or obsolete; being "Resource Efficient" in making use of existing buildings; and being "Safe and Pleasant" in avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by noise, and minimising the impact of traffic and parking on the street scene.



The site is located within a residential area under Policy D of the Planning Policy Statement on Our Homes and Communities where the general principle of re-using an existing building is acceptable. The building is unoccupied and its present condition, the condition of the associated grounds and its surrounding by temporary metal mesh fencing all has a negative visual impact on the site and surrounding area. Bringing the building back into use will result in the fencing being removed. Otherwise, in the context of the current application, there will be little change in the appearance of the building as no external alterations or extensions are proposed as part of this application. As noted above, any additional external improvements may need to be the subject of a further application. It

cannot therefore be concluded at this stage that there will be any impacts from construction traffic or associated air pollution.

As the building is to be re-used the proposal will be “Distinctive” in contributing positively to historic buildings and places; will be “Adaptable”, in ensuring the building can be adapted for another use, thus saving it from continuing to be neglected or obsolete; and will be “Resource Efficient” in making use of an existing building. It therefore follows that the proposal will result in the creation of a successful place by complying with these requirements of Policy 1.

In order to determine if the proposal would be “Safe and Pleasant” under Policy 1, the potential impact of the proposed use on existing properties also has to be considered. In this regard it is important to note that the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) defines Class 9 use as: *“a house, other than a flat, whether or not as a sole or main residence, by (i) a single person or by people living together as a family, or (ii) not more than 5 residents living together including a household where care is provided for residents.”* Under Class 9 the residents living together do not have to be related. The interpretation provided within Article 2 of the 1997 Order defines ‘care’ as meaning personal care including the provision of appropriate help with physical and social needs or support, and in use Class 8 (residential institutions) includes medical care and treatment.

Scottish Government Circular 1/1998 provides non-statutory guidance on the interpretation of the Use Classes Order and refers to the number of persons living together as a family or a household. It indicates that in the case of small residential care homes or nursing homes, staff and residents will probably not live as a single household. That use will, therefore, fall into use Class 8, regardless of the size of the home. However, the Order itself does not specify that within the terms of Class 9 the residents of a house must constitute either a family or a household. The Circular notes that Class 9 does not relate only to families and that it includes people living together under arrangements for providing care and support within the community. In relation to the advice on Class 9 it also notes that the single household concept provides more certainty over the planning position of small group homes, which play a major role in the Government's community care policy aimed at enabling vulnerable people to live in touch with the community. In the case of this proposal the care model includes support provided on a 24/7 basis by a team of adults on a rota system. The aim of the proposed development is to provide support over a longer period of time for vulnerable children in something approaching a “family” atmosphere and the accommodation to be provided is similar to that which would be found in a conventional family house.

It is accepted that there are features of the proposed use that differ from normal family occupation of a dwellinghouse. In particular, the number of staff involved in the care of the children may result in increased comings and goings at certain times and in turn result in more vehicle movements than would normally be associated with a family dwelling. There would be some regularity in the number of vehicular movements associated with shift changes and possible occasional comings and goings from other visitors to the property in association with the proposed use. However Class 9 does not specify what level of care is required, only the number of residents involved irrespective of whether they are children or not. Any comings and goings would therefore not be considered to be significantly greater than those of a family living in a house of an equivalent size.

As there are to be 4 children in residence in the building and that institutional care is not being provided the proposed use of the building would therefore be considered to be a dwellinghouse in planning terms under Use Class 9. While the proposed use has the potential to generate some extra parking and additional activity it is not considered that it would alter the character of the surrounding area or cause the property to fall within a different use class. If more than 5 children were to be cared for at any one time the use of the building would fall into Use Class 8 and would require a further planning permission.

It is therefore considered that the proposal will be “Safe and Pleasant” in avoiding conflict between adjacent uses/properties primarily as supervision is to be provided both inside and outside the building and would therefore comply with Policy 1.

The character of the Conservation Area is defined by its mainly residential nature which evolved out of the discontinuance of the use of the buildings formerly associated with the provision of care facilities within the Village. It should be noted, however, that some care provision remains within individual buildings and that there are also existing business operations. Therefore, whilst it is a mainly residential area, it is not exclusively so. As there are no external alterations detailed the proposed use of the building is not considered to conflict with Policy 28. In addition the principle of the provision of care in this instance would not be incompatible with care that is provided elsewhere in the village. The relationship of the care provision proposed to existing operations is not a material planning consideration.



With regard to vehicular activity the Head of Service - Roads and Transportation has no objection in terms of the impact on the roads network, adequacy of the roads, access to the building or emergency access arrangements. In terms of the amount of parking required, the proposed use is considered to be a Class 9 use as indicated above. As such it is considered that notwithstanding the request by the Head of Service – Roads and Transportation for the provision of 6 parking spaces, it is reasonable for the amount of parking to be the same as required for a dwellinghouse and 4 spaces is therefore considered acceptable and already available. Consequently it is considered that the proposal accords with Policy 11.

The support for the proposal is noted and in terms of the grounds of objection that have not been addressed above the following comments are made.

As indicated above supervision is to be provided both inside and outside the building however if there was any anti-social behaviour this would be a police matter. Such concerns, together with those relating to use of the garden area, are speculative and would not merit refusal of the proposal. In

terms of the structural condition of the building and any proposed works needed to bring the building back into use, these would be considered in a separate building warrant application. The building is located close to the River Gryffe however lies outwith the functional flood plain. The regulation of a care provider is carried out separately by the Care Inspectorate and has to be registered with them. Whether the applicant has a track record of providing this type of use or the finances to do so are not material planning considerations. The potential impact on property values is also not a material planning consideration. Although bats have been mentioned in the objections it has not been claimed that any are located within this building.

In conclusion, the proposal is considered to comply with Policies 1, 11 and 28 of the Inverclyde Local Development Plan and Policy D of the Planning Policy Statement on Our Homes and Communities and there are no material planning considerations that outweigh these policies.

## **RECOMMENDATION**

That the application be granted subject to the following condition:

1. For the avoidance of doubt the building shall not be occupied or be a place of residence by more than five children to whom care and support are given at any one time.

Reason:

1. To ensure accordance with Use Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) in the interests of planning control.

Stuart Jamieson  
Head of Regeneration and Planning