

LOCAL REVIEW BODY

12 JANUARY 2023

PLANNING APPLICATION FOR REVIEW

**MR DAVID MIDDLESWORTH
PROPOSED DWELLING HOUSE AND DETACHED GARAGE
PLOT TO NORTH EAST OF 22 AND 24 DUNVEGAN AVENUE, GOUROCK
(22/0090/IC)**

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- 4. Inverclyde Local Development Plan 2019 Policy Extracts**

To view the Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

- 5. Inverclyde Local Development Plan 2019 Map Extract**
- 6. Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts**
- 7. Scottish Planning Policy**
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- 10. Notice of Review Form dated 21 October 2022 with Supporting Statement from Richard Robb Architects**
- 11. Further Representations submitted following receipt of Notice of Review**
- 12. Documents submitted by Richard Robb Architects in response to Further Representations**
- 13. Suggested Conditions should Planning Permission be granted on Review**

Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 11 APRIL 2022
TOGETHER WITH LOCATION AND BLOCK PLANS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100554315-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

proposed dwelling house and detached garage

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Richard Robb Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Robb	Building Number:	75-77
Telephone Number: *	01475 630877	Address 1 (Street): *	Albert Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gourock
Fax Number:		Country: *	UK
		Postcode: *	PA19 1NJ
Email Address: *	info@scotlandarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	David	Building Number:	26
Last Name: *	Middlesworth	Address 1 (Street): *	Beithglass Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Skelmorlie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA16 1YQ
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

plot to North East of 22 and 24 Dunvegan Avenue, Gourrock

Northing

676482

Easting

221805

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1218.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

vacant plot

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Richard Robb

On behalf of: Mr David Middlesworth

Date: 11/04/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

planting proposals

Provide copies of the following documents if applicable:

- A copy of an Environmental Statement. * Yes N/A
- A Design Statement or Design and Access Statement. * Yes N/A
- A Flood Risk Assessment. * Yes N/A
- A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A
- Drainage/SUDS layout. * Yes N/A
- A Transport Assessment or Travel Plan Yes N/A
- Contaminated Land Assessment. * Yes N/A
- Habitat Survey. * Yes N/A
- A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

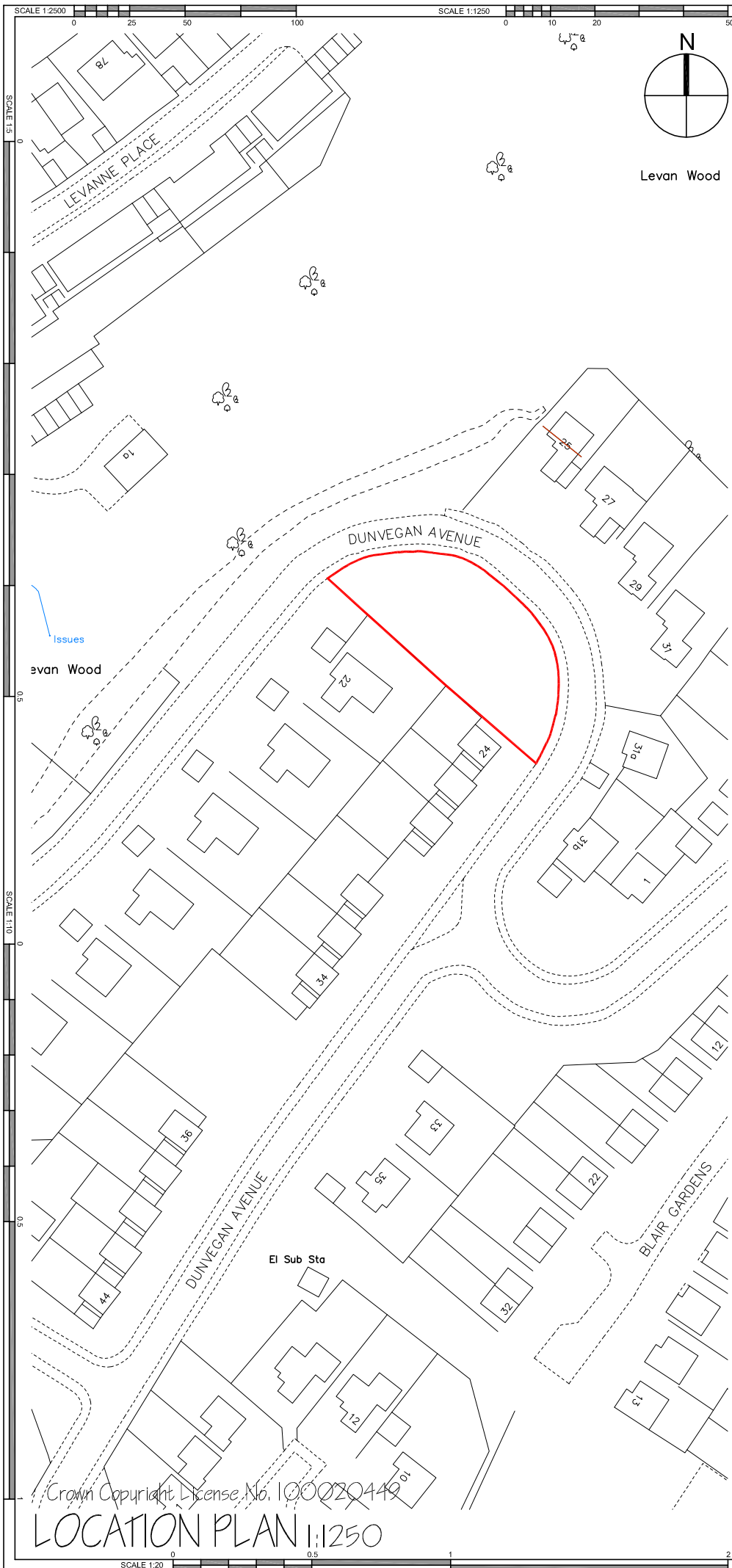
Declaration Name: Mr Richard Robb

Declaration Date: 11/04/2022

Payment Details

Telephone Payment Reference:

Created: 11/04/2022 13:55



NOTES

- All scale bars shown on this drawing are in metres
- Do not scale from drawing (Planning Department excepted)
- Cross check all appropriate drawings
- Any discrepancies to be notified to Architect
- All dimensions to be confirmed on site prior to ordering any materials or commencing work
- If in doubt - Ask

REVISIONS

SCALE	DATE	DRAWN
1:1250@A4	FEB 22	LR

PROJECT

PROPOSED DETACHED NEW BUILD HOUSE AND GARAGE AT DUNVEGAN AVENUE, GOUROCK

FOR DAVID MIDDLESWORTH

DRAWING LOCATION PLAN

Richard Robb ARCHITECTS

75/77 ALBERT ROAD, GOUROCK, PA19 1NJ

- 01475 630877
- 07092 807195
- rrobb@scotlandarchitects.co.uk
- www.scotlandarchitects.co.uk

DRAWING NO. **1006/LOC/01** STATUS **PLANNING**

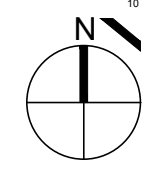
Crown Copyright License No. 100020449

LOCATION PLAN 1:1250



GENERAL SPECIFICATION:

- 1/2 or 2 storey house.
- 150-200sqm approximate area.
- 4no bedrooms plus living space.
- Materials to match existing houses adjacent.
- Site area approximately 1250sqm.
- Indigenous low planting.



- NOTES
- All scale bars shown on this drawing are in metres
 - Do not scale from drawing (Planning Department excepted)
 - Cross check all appropriate drawings
 - Any discrepancies to be notified to Architect
 - All dimensions to be confirmed on site prior to ordering any materials or commencing work
 - If in doubt - Ask!

REVISIONS	DATE	DRAWN
SCALE 1:200@A3	FEB 22	LR

PROJECT
PROPOSED DETACHED NEW BUILD HOUSE AND GARAGE AT DUNVEGAN AVENUE, GOUROCK

FOR DAVID MIDDLESWORTH
 DRAWING
BLOCK PLAN

Richard Robb ARCHITECTS

75/77 ALBERT ROAD, GOUROCK, PA19 1NJ
 ☎ 01475 630877
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 🌐 www.scotlandarchitects.co.uk

DRAWING NO. **1006/BP/01** STATUS **PLANNING**

**2. PLANNING APPLICATION – MISCELLANEOUS
FILES RELATING TO BEES, FLOWERS, PLANTS,
POLLINATORS AND TREES**

Plant Bee-friendly Plants

Bees are essential to our eco-system. According to Friends of the Earth: "The vast majority of plants we need for food rely on pollination, especially by bees: from almonds and vanilla and apples to squashes." The cotton our clothes are made from has to be pollinated; the plants our livestock eat need to be pollinated; and nearly all our wildflowers need to be pollinated. **Bee-friendly plants include the following: lavender, allium, cotoneaster, foxglove, holly hock, lupin, lambs ears, geraniums, oregano and wisteria.** There are plenty of bee-friendly wildflower seed mixes you can use too. Be very careful about your use of pesticides too. Always avoid using on flowering plants.

1. There is currently a massive shortage of natural flowers/landscape for pollinators eg bees, butterflies, wasps etc in the UK
2. Population of these species are declining rapidly affecting the next generation of plants, fruit and crops we eat
3. Any opportunity to create planted areas/meadows to attract and increase these species should be welcomed by local authorities
4. Lavender, alliums, foxglove, honeysuckle, delphinium, snapdragon, saxifraga, hollyhock are all species of flower grown in the UK which attract pollinators
5. Planting flowers, shrubs and trees also helps eliminate air pollution
6. The Scottish Government's plan states that Scotland should be flourishing with biodiversity and clean and healthy air. Surely I would be enhancing this piece of land which is currently grass.
7. Trees will provide a nesting place for many bird species where their natural habitats are being destroyed.

I have attached screenshots from various websites I have been looking at and you will see a chart from the Scottish Government's website (7 o'clock position) which clearly states biodiversity and clean air as one of their major commitments.

Growing Plants that Help the Environment

At Shedstore, our products are designed for the great outdoors. We love our gardens and, naturally, the environment. So here's a topic close to our hearts...

Plant, Plant and Plant Some More

One of the easiest ways that people can reduce pollution on an individual level is by growing plants that help the environment. Creating more green material helps to purify the air, which leads toward a cleaner planet through the reduction of the effects of pollution. The benefits of all things green is undeniable. The increase of flora (trees, shrubs, herb gardens, house plants, vegetable crops, and decorative flowers) does actually help to reduce

pollinators?

The RHS is extremely concerned about pollinator declines and encourages gardeners to continue to support these vital insects. There are many factors likely to have caused these declines, including the lack of flowering plants, loss of nesting sites and other habitats, as well as climate change, pests and diseases. Much of this has been linked to modern farming practices and other land use changes.

Find out more about [pollinator decline](#).

How gardeners can help bees and other pollinators

Due to the rich diversity of plants growing in Britain's gardens, these outside spaces, and the gardeners who tend them, are critical to support a wide range of pollinators. There can be more pollinators in our nation's gardens than in surrounding agricultural land. There is though always space for more pollinators in our gardens.

Here's how you can do more to support pollinators

Trees and shrubs native to Scotland

nature.scot/doc/trees-and-shrubs-native-scotland

Latin name	Common name
<i>Alnus glutinosa</i>	Alder
<i>Betula pendula</i>	Silver Birch
<i>Betula pubescens</i>	Hairy birch
<i>Corylus avellana</i>	Hazel
<i>Crataegus monogyna</i>	Hawthorn
<i>Cytisus scoparius</i>	Broom
<i>Euonymus europaeus</i>	Spindle
<i>Fraxinus excelsior</i>	Ash
<i>Ilex aquifolium</i>	Holly
<i>Juniperus communis</i>	Juniper
<i>Malus sylvestris</i>	Crab apple
<i>Pinus sylvestris</i>	Scot's pine
<i>Populus nigra</i> subsp <i>betulifolia</i>	Black poplar
<i>Populus tremula</i>	Aspen
<i>Prunus avium</i>	Gean
<i>Prunus padus</i>	Bird-cherry
<i>Prunus spinosa</i>	Blackthorn
<i>Quercus petraea</i>	Sessile oak
<i>Quercus robur</i>	Pedunculate oak

Latin name	Common name
Ribes rubrum	Red currant
Ribes spicatum	Erect-spiked red-currant
Rosa caesia	Hairy dog rose
Rosa canina agg.	Dog rose
Rosa mollis agg.	Soft downy rose
Rosa rubiginosa	Sweet briar
Rosa sherardii	Sherard's downy rose
Rosa tomentosa	Harsh downy rose
Rubus idaeus	Raspberry
Salix aurita	Eared willow
Salix caprea	Goat willow
Salix cinerea	Grey willow
Salix myrsinifolia	Dark-leaved willow
Salix pentandra	Bay willow
Salix phylicifolia	Tea-leaved willow
Salix purpurea	Purple osier
Sambucus nigra	Elder
Sorbus aucuparia	Rowan
Taxus baccata	Yew
Tilia cordata	Small leaved lime
Ulex europaeus	Gorse
Ulex gallii	Western gorse
Ulmus glabra	Wych elm
Viburnum opulus	Guelder rose

Trees and shrubs native to Scotland

Based on Preston, C. D., Pearman, D. A. & Dines, T. D. 2002. New Atlas of the British and Irish Flora. Oxford: Oxford University Press.

Species list adapted from 'Origin and distribution of hedgerow species', by Heather Robertson, English Nature, 13.06.06

Published: 2011

Disclaimer: Scottish Natural Heritage (SNH) has changed its name to NatureScot as of the 24th August 2020.

At the time of publishing, this document may still refer to Scottish Natural Heritage (SNH) and include the original branding. It may also contain broken links to the old domain.

If you have any issues accessing this document please contact us via our [feedback form](#).

**3. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 12 JULY 2022**

REPORT OF HANDLING

Report By: Carrie Main

Report No: 22/0090/IC

**Local Application
Development**

**Contact
Officer:** 01475 712413

Date: 12 July 2022

Subject: Proposed dwelling house and detached garage at
Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

SITE DESCRIPTION

The application site, extending to an area of approximately 1250 square metres, comprises of an area of grassed open ground which lies on a corner plot, at a u-bend in the road, adjacent to nos. 22 and 24 and opposite nos. 25, 27, 29, 31 and 31a Dunvegan Avenue, Gourock. The site takes a slightly elevated position from the road and slopes downwards in a north-westerly and easterly direction from the highest point at southern end of the site. It is bound to the south-west by neighbouring dwellings and unbound to the road elsewhere. The south-western boundary is defined predominately by slatted timber fencing which bounds neighbouring dwellings rear gardens and vegetation in the form of shrubbery. Two trees exist centrally within the site.

The surrounding area is residential in character with neighbouring properties similar in scale and design. The wider residential development was approved under planning permission IC/77/115 in which the site was identified as open space.

PROPOSAL

Planning permission in principle is sought for the erection of a dwelling house and associated detached garage on the site inclusive of landscaping, parking and access.

To inform the principle of development, a proposed block plan sets out a proposal for a detached house to be located within the north-west of the site and the detached double garage towards the south, both will be located 1.8 metres from the south-west and common boundary with the adjacent neighbouring properties. The house and driveway are to each have their own driveway access direct from Dunvegan Avenue. The plan further specifies that the house is to be 1.5 storey, 4 bed, occupying approximately 150-200 square metres. The driveways are to retain traffic sight lines and the driveway material is to be porous pavers, or a similar surface which permits self-draining. The private rear garden area is to intervene between the house and the garage to a depth of approximately 16.3 metres. The remainder of the site, to the east, is to remain undeveloped and landscaped with indigenous low level planting to provide a green space to encourage wildlife whilst maintaining sight lines for road users. Background information planting species has been included within the application which may further inform the landscaping proposals.

ADOPTED 2019 LOCAL 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 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

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

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

Policy 9 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

Policy 10 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means

other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

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 33 - Biodiversity and Geodiversity

Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a there are no alternative solutions; and
- b there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 - Trees, Woodland and Forestry

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a it can be clearly demonstrated that the development cannot be achieved without removal;
- b the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

Proposals for new forestry/woodland planting will be assessed with regard to the Supplementary Guidance to be prepared in association with the Clydeplan Strategic Development Plan, and the UK Forestry Standard.

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.

Planning Application Advice Note (PAAN) 2 on "Single Plot Residential Development" applies

Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" applies.

PROPOSED 2021 LOCAL 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 and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be

assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

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

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

Policy 9 - Managing Flood Risk

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

- o be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- o increase the level of flood risk elsewhere; and
- o reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood risk management schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

Policy 10 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- o provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- o include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters

Policy 12 - 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, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 18 - Land for Housing

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and

- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Policy 20 - 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.

Policy 33 - Biodiversity and Geodiversity

European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) compensatory measures are provided to ensure that the overall coherence of the network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

Non-designated sites

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 36 - Safeguarding Green Infrastructure

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.

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

Draft Planning Application Advice Note (PAAN) 2 on "Single Plot Residential Development" applies

Draft Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" applies.

CONSULTATIONS

Head of Public Protection and Covid Recovery (Environmental Health) – A condition relating sound insulation to comply with the building standards regulations and an advisory note relating to compliance with construction (design and management) regulations is recommended.

Head of Service - Roads and Transportation –

1. Parking should be provided in accordance with the National Guidelines
The proposed dwelling is has 4 bedrooms which requires 3 parking spaces.
2. The minimum dimensions of the driveway should be 3m wide by 6.0m long per parking space. There should also be a minimum of 0.9m path past these parking spaces where the driveway forms part of the pedestrian access to the property. The applicant should demonstrate that this can be achieved.
3. Driveway to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road and it should meet the road at 90 degrees.
4. The driveway gradient should not exceed 10%.
5. The applicant shall demonstrate that they can achieve a visibility splay of 2.4m x 20.0m x 1.05m from both driveways. This shall be agreed with Roads Service.
6. For the garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m. For two spaces in the double garage it should be 6.0m by 7.0m.
7. The applicant should demonstrate that forward visibility on Dunvegan Road will be retained as outlined in National Roads Development Guide and Designing Streets for a speed limit not less than 30mph in perpetuity.
8. A Section 56 Agreement is required for the footway crossovers to the driveways.
9. All surface water should be managed within the site to prevent flooding to surrounding properties and the public road network. Drainage drawings shall be submitted for approval.

PUBLICITY

The application was advertised in the Greenock Telegraph on 29th April 2022 as it is contrary to the development plan and there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. 49 representations have been received objecting to the proposal. The points of objection may be summarised as follows:

Historical context and amenity issues

- It is an amenity open space within the housing estate. Policy 35 and 36 of the Plan presume against the loss of such spaces and should be considered in assessment and determination of the application.
- The land has historically been deemed to be open space (including in title deeds) to minimise overdevelopment and all surrounding houses were sold and bought on this premise.
- Title deeds state that this is a common open space and should remain as such in perpetuity.
- This area was safeguarded within the development 40 years ago for amenity reasons and should remain as such.
- Green spaces are needed for communities and should be protected.
- History of rejection on similar sites for planning permission to build on open space.
- This may set a precedent for development of other valuable open spaces in the area.
- This space is a valued amenity space for the community. It's used as a meeting place for dog owners and neighbours. Children play here safely. It's a pleasant natural area. Development would be a great loss to the local community and amenity of the area.

Design related issues

- The form and scale of the proposed dwelling is not in keeping with the surrounding properties.
- The garage is nowhere near the house but closer to neighbouring properties.
- Adverse implications to the privacy of neighbouring residents.
- Adverse implications to light provision into neighbouring properties.
- Underwhelmed by design of last permitted new build in the estate.
- Negative visual impact of the development.
- The proposal allows very little space for landscaping and will lead to gross overdevelopment of the site.
- The application states there are no trees on the application site. There are 2. One has already been felled.

Environmental issues

- This development goes against everything we are being told to do to aid the environment.
- The land is currently populated by mature trees, visiting deer, badgers, squirrels, hedgehogs and other wildlife. The proposed development will destroy this ecosystem.
- The use of eco buzz words makes the application sound contrived. Trees will be felled.

Traffic, infrastructural and safety issues

- Permission has been refused before due to the elevation change and road safety concerns and there is no reason not to refuse permission again.

- Unfair that residents should have to put up with more construction following past 5 years of ongoing development at 13 Dunvegan Avenue.
- Several attempts have been made to build here before and all been turned down due to the issues with traffic visibility.
- Entering and exiting the plot will be unsafe for all road users.
- It would make the road unsafe during construction.
- The bend in the road at this site is the only road in and out of the estate and is heavily used. Site traffic would cause major problems.
- The location of the house and garage will block sightlines and create blind spots for road users causing adverse safety implications.
- Failure to consider the services on this land. The main sewer for the estate crosses the proposed access and the main electricity line underneath the proposed house and garage-rerouting would cause significant disruption to residents of the estate.
- Hindrance to water run-off which may lead to potential flooding of properties.

Miscellaneous issues

- Selling of amenity green spaces for private development should not be allowed.
- Devaluation of surrounding properties should this development happen.
- The garage is not for the planned build but for an existing property which seems inappropriate.
- It would be more in keeping with community needs if the land was developed to provide a play area and/or outdoor gym maintaining green space and providing a focus on all age groups.
- Inverclyde Council should consider their Green Charter in determining this proposal.
- Despite changes in ownership of the land over the years this land should be maintained as it has been since 1978.
- The maintenance of this area has been paid for through council tax of residents for almost 40 years. We were unaware that it had been sold.
- This is land is one of the last remaining open spaces within the Levan Estate.
- It will threaten this quiet and safe residential environment.
- There are an adequate number of residential properties in this area.

I will consider these points in my assessment below.

ASSESSMENT

The material considerations in the determination of this application are national planning policy inclusive of Scottish Planning Policy (SPP) 2014, the 2019 adopted and 2021 proposed Inverclyde Local Development Plans (LDP), the adopted and draft Planning Application Advice Notes (PAAN) 2 on "Single Plot Residential Development", and 3 on "Private and Public Open Space Provision in New Residential Development", the consultation replies and representations received.

SPP introduces a presumption in favour of sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at any cost.

The construction of one house does not constitute a strategic scale development under Schedule 14 of Clydeplan Strategic Development Plan and therefore consideration of the proposal falls to the adopted and proposed Inverclyde Local Development Plans and associated guidance. The proposed Inverclyde Local Development Plan locates the site within an established residential area under Policy 20 which requires development within residential areas to be assessed with regard to impact on the amenity, character and appearance of the area.

The character of this residential development was adequately summed up by a Reporter on a previous refusal for the erection of a house on a nearby area of open space, as follows: "A combination of the sinuous road layout, the housing types used and the varying forms of interlinked open spaces creates a most pleasing harmonious open type of development in a location that enjoys spectacular views across the Clyde. The public open space in the vicinity of the site is well maintained and contributes to the high standard of amenity that is typical of an upper market housing development sited on the periphery of a town. There is a pleasing balance and uniformity in the layout."

Policy 1 of both the adopted and proposed Plans is also of relevance in assessing whether the proposal has regard to the six qualities of successful places. In considering the principle of development I consider the "Distinctive" factor to be of most relevance in this instance to determine whether the proposal would reflect the local architecture and urban form and retain locally distinct built or natural features. All other factors, "Adaptable", "Resource Efficient", "Easy to Move Around", "Safe and Pleasant" and "Welcoming" are also applicable yet, detailed assessment of all factors would be more appropriately addressed under a detailed application.

As the site is an amenity open space Policy 35 of the adopted Plan and Policy 36 of the proposed Plan are of relevance as they seek to ensure that where a 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.

Policies 18 of the adopted and proposed Plans identify sites where new housing development will be supported, within the relevant Schedules (the site is not identified for residential development) and on other appropriate sites within residential areas and town and local centres. These policies as well as Policy 20 of the proposed Plan require to be additionally assessed against the relevant Supplementary Guidance. The relevant Planning Application Advice Notes for this proposal are the adopted and draft PAAN 2 on "Single Plot Residential Development" and adopted and draft PAAN 3 on "Private and Public Open Space Provision in New Residential Development".

In considering the compatibility of the proposal with the character and amenity of the area, whilst there have been some recent changes, the character of the overall development remains recognisably one where the built form of development is punctuated by amenity open spaces with soft landscaping, including the application site. It is noted from the submitted representations that this amenity open space is well-utilised and of value to the local community. Whilst the applicant seeks to incorporate additional landscaping into the eastern area of the site I do not consider this to be on an equal or enhanced quality to the existing, where soft landscaping, notably the trees on site, will need to be removed and there is a considerable reduction in the scale of the amenity open space. The proposal would disrupt the historical pattern of development and urban form which defines the character and amenity of the area. Additionally, the proposal fails to retain this locally distinct natural features and presents adverse implications on the green infrastructure network, making it unacceptable with reference to the "Distinctive" factor which contributes to successful places. To support a significant loss of this amenity space, regardless of its ownership or maintenance agreement, would compromise the overall amenity open space provision in the wider development adversely impacting on the character and amenity of the area. It can therefore be concluded that the proposal is not in accordance with Policies 1 and 35 of the adopted Plan and Policies 1, 20 and 36 of the proposed Plan.

The principle of residential development at this location is not in accordance with the guidance within PAAN 2 and PAAN 3 as this site does not present a derelict or unused area of ground. On the contrary, it is a valued amenity open space which defines the character and form of the wider residential development. Design is indicative only within a planning permission in principle application and would be assessed fully within any detailed proposal. How the position and design of the house and garage reflect the character and amenity of neighbouring houses, any potential overshadowing or privacy implications, such as those raised within the representations received, will be addressed only once specific design of the house including site levels, floor plans and elevations are known. Nonetheless, generally, I do acknowledge and concur with the view of objectors' that the proposed

house and garage do present a variance with the pattern of development in the surrounding area, where houses are generally positioned centrally within their respective plots with the garage adjacent to the house, both accessed by one driveway.

The remaining policies of both the adopted and proposed Plans relate to matters that would be more appropriately addressed under a detailed application and assessment of the proposal against these policies is to an extent academic given that the proposal is not acceptable in principle with regard to the key policies. In summary and for completeness however, I will address each of these policies below.

The Head of Service - Roads and Transportation following consultation has provided comments in respect of suitable visibility, parking provision and driveway gradient with the terms of Policies 10 and 11 of the adopted Plan and Policies 9 and 10 of 11 of the proposed Plan. These requirements can be addressed as part of the detail of development. I acknowledge that given the location of the site, the visibility splay requirement will need careful consideration. This is echoed within the representations received. It can therefore not be concluded that a safe and suitable access to the development can be achieved at this stage. The proposal is located within the settlement boundary and local services/facilities can be easily accessed.

In relation to Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan if planning permission in principle is granted the drainage proposals can be addressed by a planning condition with the details being submitted for further approval. The Head of Service - Roads and Transportation has requested that all surface water be contained within the site to prevent flooding of neighbouring properties.

Policy 6 of both the adopted and proposed Local Development Plans seeks to ensure that all new buildings are energy efficient and that at least 15% and 20% respectively of the carbon dioxide emissions standard (rising to at least 20% by the end of 2022 and 25% by the end of 2025 respectively) reduction set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. If planning permission in principle were granted the requirement for low and zero carbon generating technologies can be addressed by a planning condition with the details submitted for further approval. The provision of electric vehicle charging facilities, which would be one trickle charging point in this instance, can also be addressed by a planning condition in order to comply with the terms of Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan.

In considering ecology, biodiversity and habitats Policy 33 and Policy 36 of both Plans are of relevance, however it should be noted that the site has no natural heritage or landscape designations. For non-designated sites both policies indicate that the siting and design of development should take account of local landscape character and minimise adverse impacts on wildlife as well as being designed to conserve and enhance biodiversity. It is recognised that as an amenity open space any development may adversely impact upon wildlife and habitats. The applicants should establish whether protected species are present, how they may be affected and how any development is to mitigate impacts and safeguard green network infrastructure.

Considering the outstanding consultation responses, The Head of Environmental and Public Protection (Environmental Health) does not highlight any concern. In this respect, I consider that the proposals comply with the requirements of Policy 16 of both Plans. With regards to sound insulation and compliance with the Building Scotland Regulations this matter is for the building warrant process. Matters relating to construction regulations, any noise or disruption during construction is addressed by the Head of Environmental and Public Protection (Environmental Health) via separate legislation and is not relevant in the assessment and determination of any planning application.

Turning to the outstanding points within representations received and not addressed above, comments relating to land ownership, devaluation of neighbouring properties and alternative uses for the site are not material planning considerations. Any similar applications will be assessed against the relevant development plan policies and any material planning considerations at the time to

determine whether they are acceptable or not. I acknowledge that the removal of the existing trees has not been made clear in the application. It is however not the role of planning authority to critique what may be perceived as inaccuracies. The planning application has to be assessed against the relevant policies of the development plan and any material planning considerations in order to determine whether the application is acceptable or not. Finally, any impact on noise/disturbance from development both on completion and during construction cannot be a determining factor in assessing and determining an application. Such matters can be investigated under separate legislation by the Head of Public Protection and Covid Recovery.

In conclusion, Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal fails in respect of a number of policies within the Local Development Plan and does not constitute the right development in the right place in respect of paragraph 29 of SPP. Having fully assessed the proposal, it is not considered that there are any material planning considerations that indicate that a position contrary to this should be taken. Planning permission should be refused for the reasons set out below.

RECOMMENDATION

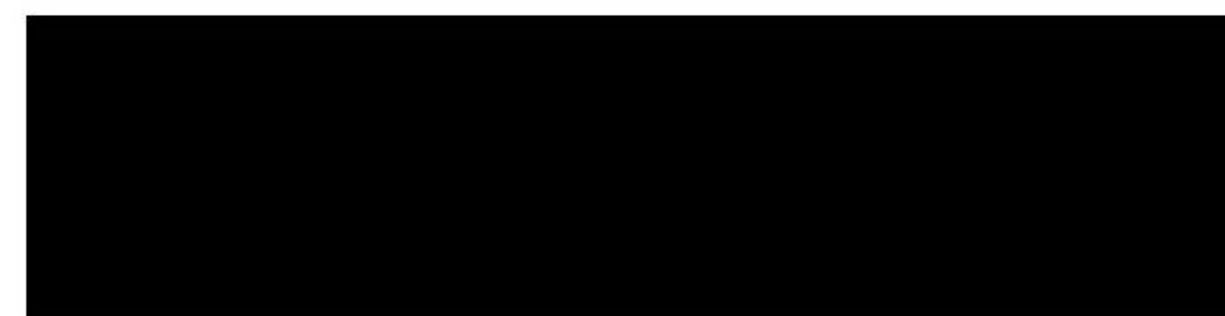
That the application be refused for the following reasons:

1. The proposal cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
2. The proposed development would result in the loss of open space which is of quality and value in terms of its contribution to the amenity, character and appearance of the wider area and to the community. It is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan 2019 and Policies 20 and 36 of the proposed Inverclyde Local Development Plan 2021.
3. The proposal fails to retain this amenity open space- a locally distinct natural feature- which contributes to the amenity, character and distinctive urban form of the wider development. The proposal is therefore unacceptable with reference to being “Distinctive” and does not fulfil the aims and requirements of Policy 1 within both the adopted and proposed Local Development Plan.
4. The site is not considered appropriate for residential development, contrary to Policy 18 of both the adopted and proposed Inverclyde Local Development Plan. The site is a valued amenity space which defines the character and form of the wider residential development and therefore presents a conflict with the principle of both adopted and draft PAAN 2 and PAAN 3.

Signed:



Carrie Main
Case Officer



Mr Stuart W Jamieson
Interim Service Director
Environment and Economic Recovery

4. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 POLICY EXTRACTS

3.0 CREATING SUCCESSFUL PLACES

Introduction

3.1 Inverclyde has many fantastic and unique places. Examples include the Free French Memorial and Lyle Hill, which offer panoramic views over the Firth of Clyde; Quarriers Village, built in the 19th century as an orphans' village and filled with individually designed homes of that period; the A-listed Edwardian Wemyss Bay railway station; and the grid-pattern Greenock West End conservation area, which is contained to the north by the popular Greenock Esplanade. These, and other places, have stood the test of time and remain places where people want to live and visit.

3.2 The Council is keen to have more successful places in Inverclyde, and all new development will be expected to contribute to creating successful places. This is particularly important in relation to the Plan's Priority Projects and Priority Places, which reflect major Council investments and the larger scale regeneration opportunities in Inverclyde.

Creating Successful Places

3.3 The Council is keen that all development contributes to making Inverclyde a better place to live, work, study, visit and invest. To differing degrees, all scales and types of development have the potential to make an impact on the surrounding environment and community. It is important to the Council that this impact is a positive one. To this end, the Council will have regard to the six qualities of a successful place when considering all development proposals.

Distinctive

Adaptable

Resource Efficient

Easy to Move Around

Safe and Pleasant

Welcoming

3.4 **Figure 3** illustrates the factors that contribute to the six qualities of a successful place. Not all will be relevant to every development proposal and planning application, but where they are, the Council will expect development proposals to have taken account of them, and it will have regard to them in the assessment of planning applications.



Quarriers Village

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.



Wemyss Bay Railway Station

FIGURE 3: Factors Contributing to Successful Places



4.6 Wind turbines are a means of generating electricity from a renewable resource. The Council's Supplementary Guidance on Energy will set out a spatial framework and other criteria to guide and assess proposals for wind turbines and wind farms, as well as guidance for other renewable energy technologies.

POLICY 4 – SUPPLYING ENERGY

Proposals for infrastructure for the generation, storage or distribution of heat and electricity will be supported in principle where they contribute to a reduction in greenhouse gas production. Proposals will be assessed with regard to impact on:

- a) the green network (including landscape), and historic buildings and places;
- b) the amenity and operations of existing and adjacent uses;
- c) tourism and recreational resources;
- d) air quality;
- e) aviation and defence interests;
- f) telecommunication and broadcasting interests; and
- g) traffic and pedestrian safety

Relevant proposals are required to accord with the Council's Supplementary Guidance on Energy.



Heat Networks

4.7 Heat networks offer the opportunity for a more efficient and sustainable means of generating and delivering heat by removing the generation of heat from within individual properties to a communal facility. Heat networks, which are also referred to as district heating, are part of the step-change required towards a more sustainable future and less reliance on gas, and other carbon fuels, as a heat source.

POLICY 5 – HEAT NETWORKS

Major Development applications will be required to include an energy statement which considers the feasibility of meeting the development's heat demand through a district heating network or other low-carbon alternatives. All proposed developments located adjacent to significant heat sources or proposed/existing heat networks should be designed in such a way as to be capable of connecting to a heat network from that source and any land required for heat network infrastructure should be protected.

Low and Zero Carbon Generating Technology

4.8 The Plan is obliged by the Climate Change (Scotland) Act 2009 to include a policy requiring all new buildings to avoid greenhouse gas emissions through the installation of low and zero carbon generating technologies.

POLICY 6 – LOW AND ZERO CARBON GENERATING TECHNOLOGY

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero-carbon generating technologies. This percentage will increase to at least 20% by the end of 2022. Other solutions will be considered where:

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

**This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.*

POLICY 8 – MANAGING FLOOD RISK

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not:

- a) be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- b) increase the level of flood risk elsewhere; and
- c) reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.



Surface and Waste Water Drainage

4.16 Surface water is a significant cause of flooding in Inverclyde, and can also impact on water quality by carrying pollutants into local burns and rivers. To address these issues, many new developments now require to include Sustainable Drainage Systems (SuDS). These systems can also provide an opportunity for

enhancing local biodiversity by creating ponds and wetlands, which slow water flow and filter out pollutants. It is also important that waste water (effluent) from new development is appropriately drained and treated in order to protect public health, amenity and environmental resources. In the majority of cases new development will be required to connect to the public sewer.

4.17 The Council's 'Flood Risk Assessment and Drainage Impact Assessment – Planning Guidance for Developers', sets out when Drainage Impact Assessments will be required and the issues they require to cover.

POLICY 9 – SURFACE AND WASTE WATER DRAINAGE

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

5.0 CONNECTING PEOPLE AND PLACES

Introduction

5.1 Inverclyde has excellent transport connections; the A8 and A78 trunk roads run through the area and it has two train lines with fourteen stations, all of which connect Inverclyde with the rest of the Glasgow city-region and beyond. A number of bus companies also operate across Inverclyde, while four ferry services provide connections to various locations in Argyll and Bute. Inverclyde is also connected by a comprehensive core path network and National Cycle Network routes NCN75 and NCN753, which provide active travel connections to Renfrewshire, Glasgow and Ayrshire.

5.2 Transport is critical to the prosperity and sustainability of our communities. Economic activity and growth relies on a transport network that enables people and goods to move efficiently around Inverclyde, Scotland and to international markets. At the same time, the need to tackle climate change by cutting transport emissions requires an approach which reduces the need to travel by car and prioritises sustainable travel modes.

5.3 Planning can improve connectivity and promote sustainable travel by locating new development near active travel and public transport networks, thereby giving people the choice of walking, cycling or using public transport. It is also important to identify where additional transport infrastructure is needed to support new development and ensure that developers contribute toward its provision. Supporting new transport technologies, including the provision of charging points for electric vehicles, will also help reduce carbon emissions.

5.4 Good digital connectivity allows businesses to reach their markets, and people to keep in touch and work flexibly, wherever they are.

Promoting Sustainable and Active Travel

5.5 The Council aims to ensure that new housing, business and industry, retail, and other commercial and community development is easily accessible, in line with the sustainable travel hierarchy: walking, cycling, public transport and cars. It will seek to achieve this by requiring all such development, proportionate to their scale and proposed use, to make the site accessible by walking and cycling, both internally and, where practicable, through links to the external path and footway network. For larger developments, where sufficient passenger numbers might be

generated, the road network will be required to be accessible by public transport, although it is recognised that the provision of services will be a commercial decision for operators. The installation of electric vehicle charging points will be encouraged in new build development, and required in larger developments.

5.6 At the Main Issues Report stage, suggestions of improvements to transport infrastructure were received including the need for additional car parking in Kilmacolm village centre, the identification of gaps in the cycle/path network, and the need for an alternative route through Inverclyde for when there is reduced capacity on the A8 trunk road. Future developments of the transport network are to be investigated and included if required in the Local Transport Strategy and Active Travel Strategy. These strategies will identify improvements to the transport network in order to make it more efficient and promote sustainable travel. Included projects will be supported in principle, subject to consideration and mitigation of the impact of the schemes on the development opportunities and places protected by this Plan.

POLICY 10 – PROMOTING SUSTAINABLE AND ACTIVE TRAVEL

Development proposals, proportionate to their scale and proposed use, are required to:

- a) provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b) include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

Managing the Impact of Development on the Transport Network

5.7 Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. In order to identify any potential capacity issues on the strategic road network (i.e. A8 & A78), the Council consulted Transport Scotland on the development opportunities identified in the Plan. The Council subsequently completed a high level impact appraisal of several large scale development proposals along the A78 in consultation with Transport Scotland, which concluded there will not be a significant cumulative impact on the trunk road network as a result of the Plan's proposals. Mitigation measures may still be required, including for the rail network, as a result of individual developments coming forward and these can be determined through the Transport Assessment process.

5.8 To ensure that the road network continues to operate efficiently, the Council has standards in place for road development and parking, which new development is expected to comply with. This may require additional improvements to the transport network outwith the actual development site. Where this is the case, developers will be required to meet these costs.

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.

Air Quality

5.9 As at 2018, Inverclyde does not have any Air Quality Management Areas or an air pollution reduction strategy. It does have busy transport corridors that can occasionally be congested where air quality is monitored. Some developments can directly affect air quality or change travel patterns in such a way that air quality is affected. In these instances the Council will expect an Air Quality Assessment to be undertaken and mitigation measures to be implemented.

POLICY 12 – AIR QUALITY

Development that could have a detrimental impact on air quality, or would introduce a sensitive receptor to an area with poor air quality, will be required to be accompanied by an Air Quality Assessment, which identifies the likely impacts and sets out how these will be mitigated to an acceptable level.

Communications Infrastructure

5.10 Inverclyde has good digital connectivity, with 4G mobile and superfast broadband coverage available across the majority of the area. This is of benefit to the economy and social networks and contributes towards it being an attractive place to live and invest.

POLICY 13 – COMMUNICATIONS INFRASTRUCTURE

The Council will support new digital communication infrastructure where it is sited to avoid adverse impact on: the streetscape; the amenity and operations of existing and adjacent uses; our natural and open spaces; and historic buildings and places.



Western Ferry, Gourock

POLICY 33 – BIODIVERSITY AND GEODIVERSITY

NATURA 2000 SITES

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

SITES OF SPECIAL SCIENTIFIC INTEREST

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

PROTECTED SPECIES

When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

LOCAL NATURE CONSERVATION SITES

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

LOCAL LANDSCAPE AREAS

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment

NON-DESIGNATED SITES

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.



Trees, Woodland and Forestry

11.10 Trees, woodland and forestry make a significant contribution to Inverclyde's landscape and streetscape. There are approximately 2000 hectares of woodland within Inverclyde, of which approximately 500 hectares is native woodland. There are 141 hectares of ancient woodland, around 50% of which is native. There are also 33 Tree Preservation Orders in effect (January 2018), covering individual trees, groups of trees and areas of woodland within our towns and villages, and other trees which are integral to the character of areas designated for their natural and built heritage importance, for example in conservation areas.

11.11 The Scottish Government's policy on Control of Woodland Removal sets out a strong presumption against the loss of ancient semi-natural woodland and woodland integral to the value of natural and built heritage sites of national and international importance.

11.12 As well as contributing to the character of Inverclyde, trees and woodlands are an economic resource, providing employment and income to landowners. They also contribute to sustainable water management, climate change mitigation and adaptation, biodiversity, and make our parks and countryside more attractive places to visit.

11.13 It is often the case that development sites contain trees which will be impacted by the development process. To minimise and mitigate these impacts, the Council will produce Supplementary Guidance for development affecting trees. This will set out how development affecting existing trees will be assessed, how trees are to be protected during the construction phase of a development, re-planting requirements, and how existing and new trees are to be managed once a development is complete.

11.14 Inverclyde also has a number of commercial plantations. Occasionally, Inverclyde Council is consulted by Scottish Forestry on new woodland and forestry proposals and on redesign or felling of existing woodlands and afforested areas. Whilst this process sits outwith the planning system, new and amended forest and woodland proposals can have a significant effect, positive and negative, on the green network. The matters the Council will consider when consulted on proposals are set out in the UK Forestry Standard. In addition, regard will be given to any Supplementary Guidance produced in association with the Clydeplan Strategic Development Plan, while reference will also be made to other relevant policies set out in this Plan.

POLICY 34 – TREES, WOODLAND AND FORESTRY

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal;
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

Proposals for new forestry/woodland planting will be assessed with regard to the Supplementary Guidance to be prepared in association with the Clydeplan Strategic Development Plan, and the UK Forestry Standard.

Open Spaces and Outdoor Sports Facilities

11.15 Open spaces and playing fields contribute to the attractiveness, wellbeing and biodiversity of Inverclyde. Inverclyde has a network of large public parks including Battery Park in Greenock, Darroch Park in Gourrock, Coronation Park in Port Glasgow and Birkmyre Park in Kilmacolm. These large formal parks are complemented by a network of more local parks and open spaces, including Lyle Hill and Greenock cemetery, which make a significant contribution to the character and history of the area. Although not 'green', civic spaces like Cathcart Square and the Esplanade in Greenock are an important part of the open space network. While amenity open spaces in our business and residential areas, and play areas in the latter, are smaller in scale they serve an important purpose and make Inverclyde an attractive place to live and work. These spaces are often integral to the good design of a development and are protected by **Policy 35**.

11.16 Existing allotments and community growing spaces are protected as part of the open space network. The Council will support proposals for new permanent and temporary allotment and community growing spaces, where these are appropriate in terms of location, design and accessibility.

11.17 While outdoor sports pitches and facilities contribute to the open space network, they are also important in their own right as they encourage participation in sport and contribute to health and wellbeing. SportScotland will be consulted on any development affecting outdoor sports facilities.

11.18 While the Proposals Maps identify open spaces and playing fields which are greater than 0.2 hectares in size, Policy 35 protects all open spaces and sports pitches which are of quality and value to the green network, or have the potential to be.

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.**

Delivering Green Infrastructure Through New Development

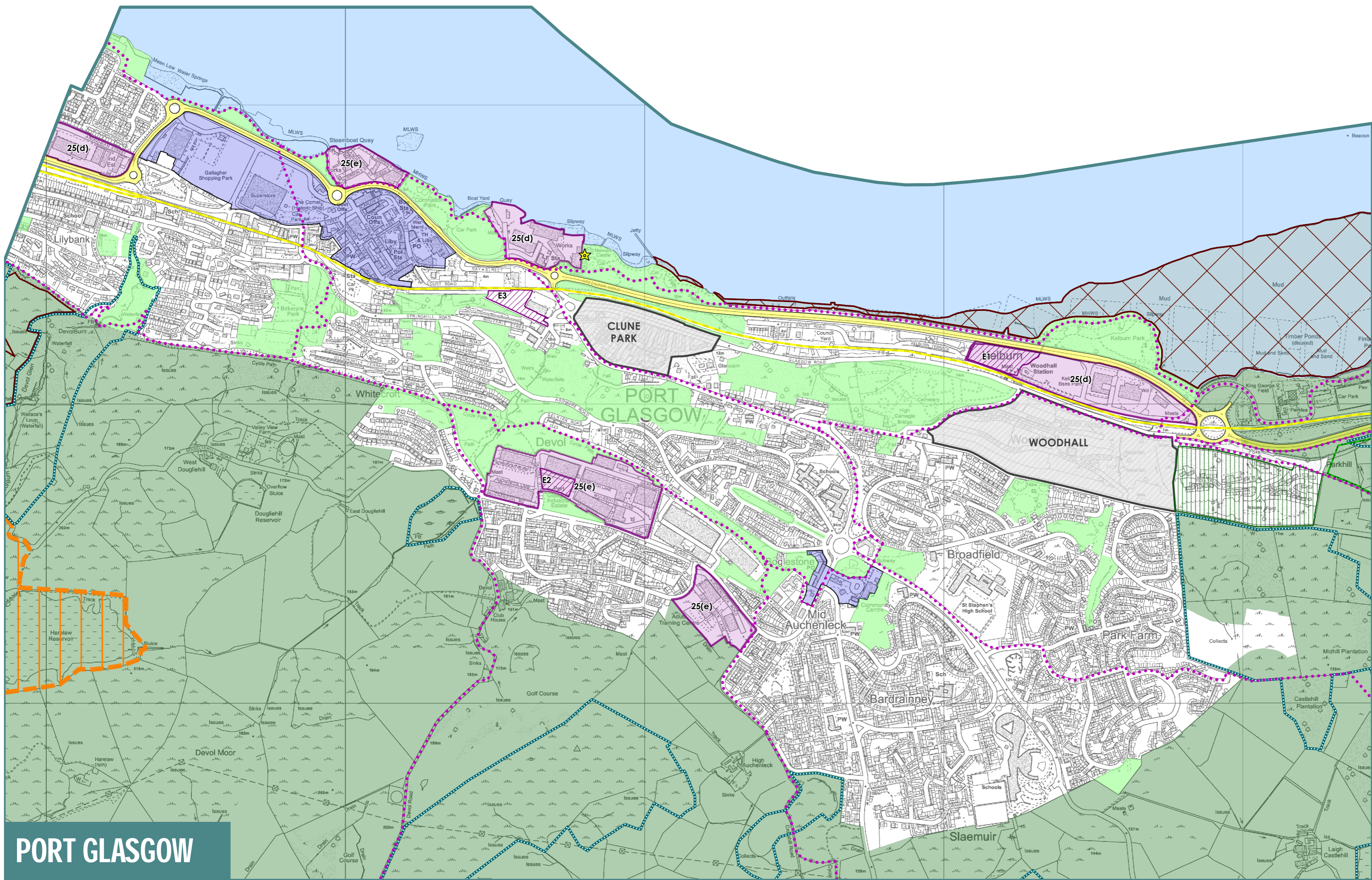
11.19 The full definition of 'green infrastructure' is set out in the glossary, and includes open and natural/semi-natural spaces, the water environment including sustainable drainage systems, the path network and landscaping. These green elements, both individually and collectively, provide a range of benefits to our towns, communities and natural environment. For example, appropriate landscaping not only makes a place look good, but can also cleanse and cool the air, reduce problems caused by rain, reduce noise and promote better health and well-being. To fully integrate green infrastructure into new development, it must be considered from the outset, as part of the initial design phase, rather than as an afterthought. Green infrastructure should be designed to deliver multi-functional benefits. An example of this is water management infrastructure which can also have ecological and open space value.

11.20 The Council will produce Supplementary Guidance, which will set out its expectations for the integration of green infrastructure into new development in terms of design, quality and quantity.

POLICY 36 – DELIVERING GREEN INFRASTRUCTURE THROUGH NEW DEVELOPMENT

The Council supports the integration of green infrastructure into new development and will require green infrastructure to be provided in association with new development in accordance with the relevant Supplementary Guidance.

5. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAP EXTRACT

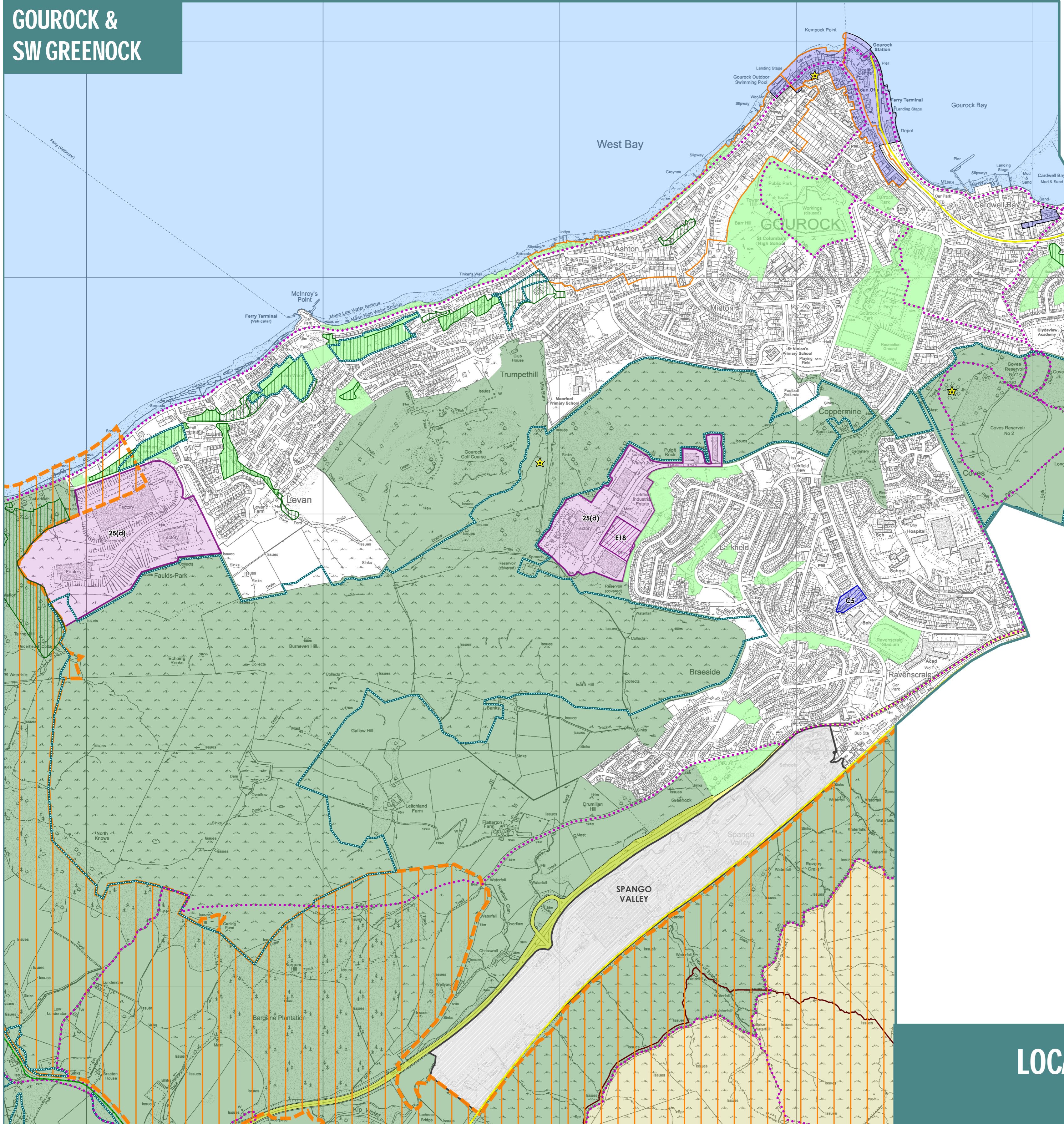


PORT GLASGOW

KEY

SUSTAINABLE DEVELOPMENT STRATEGY		
	Priority Place	POLICY 3
CONNECTING PEOPLE AND PLACES		
	Trunk Road	POLICY 11
	Railway	POLICY 11
SPATIAL DEVELOPMENT STRATEGY		
	Green Belt	POLICIES 14 & 19
	Countryside	POLICIES 14 & 19
OUR TOWN AND LOCAL CENTRES		
	Town Centre / Local Centre	POLICY 22
	Network of Centres Opportunity	POLICY 22
OUR JOBS AND BUSINESSES		
	Business & Industrial Area	POLICY 25
	Business & Industrial Development Opportunity	POLICY 26
OUR HISTORIC BUILDINGS AND PLACES		
	Conservation Area	POLICY 28
	Scheduled Monument	POLICY 31
	Gardens & Designed Landscapes	POLICY 32
OUR NATURAL AND OPEN SPACES		
	Special Protection Area / Ramsar Site	POLICY 33
	Site of Special Scientific Interest	POLICY 33
	Local Nature Conservation Site	POLICY 33
	Tree Preservation Order	POLICY 34
	Open Space	POLICY 35
	Clyde Muirshiel Regional Park	POLICY 37
	Core Path	POLICY 38
	River Clyde / Firth of Clyde	

GOUROCK & SW GREENOCK



Inverclyde council SCALE 1:10,000

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**6. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019
SUPPLEMENTARY GUIDANCE ON PLANNING
APPLICATION ADVICE NOTES POLICY EXTRACTS**

Planning Application Advice Note No. 2

SINGLE PLOT RESIDENTIAL DEVELOPMENT

There is a constant demand to erect single houses, often within the grounds of large private gardens and occasionally on small derelict or undeveloped areas of ground. These developments are often beneficial, providing additional housing in sustainable locations and removing derelict and untidy sites from the streetscene.

This Advice Note provides guidance on the issues that are considered in determining planning applications for this type of development.

Infill plots will be considered with reference to the following:

- The plot size should reflect those in the locality.
- The proportion of the built ground to garden ground should reflect that in the locality.
- The distance of the building to garden boundaries should reflect that in the locality.
- The established street front building line should be followed.
- The proposed building height, roof design, use of materials and colours should reflect those in the locality.

- Ground level window positions should comply with the window intervisibility guidance. Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens, but bathroom windows fitted with obscure glazing will be acceptable. As an alternative, boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable.

- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9.0 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing.

- The level of on site car parking should accord with the National Roads Development Guide, should be comparable with the established pattern in the street and be capable of being implemented without detriment to road safety.

Applications in Conservation Areas

The Greenock West End and Kilmacolm Conservation Areas are characterised by substantial villas set in large gardens. Understandably, there has been pressure for infill residential development in these areas. Historic Environment Scotland's Policy for Scotland explains the Government's position. The Scottish Government requires the historic environment to be cared for, protected and enhanced. Development which does not respect the scale, design and detailing of existing buildings will not generally be supported.

Applications in the grounds of listed buildings

New development within the grounds of listed buildings must have regard to the following:

- The listed building should be maintained as the visually prominent building.
- The principal elevations of the listed building should remain visible from all key viewpoints. New building should not breach any close formal relationship between the listed building and traditional outbuildings.
- Formal gardens should not be affected.
- Developments in front gardens which damage buildings to street relationships will not be supported.
- If a listed building is proposed to be upgraded as part of any development, work requires to be implemented to the listed building as the first stage or as part of an agreed phasing scheme.

Trees

Some infill sites require tree felling to enable development. The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010 deem that in all but exceptional circumstances, the consent of the Council is required to fell or lop any tree covered by a TPO (Tree Preservation Order) or within a Conservation Area. The promotion of TPOs is an ongoing process and, in assessing applications for development, the

Council has a duty to consider the visual impact which would result if tree felling is required.

Window intervisibility

The table to the right details acceptable levels of window to window intervisibility. The distances are taken from the shortest point between the windows.

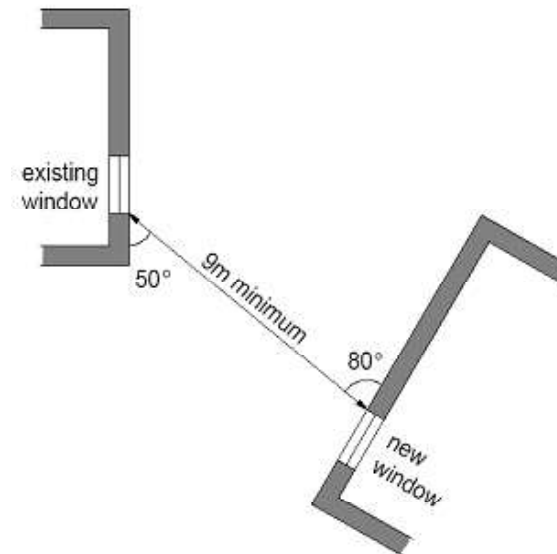


Brisbane Street, Greenock

Minimum Window to Window Distances (metres)

Angle at window of house/extension etc. to be erected not more than:

Angle at window of any other house not more than:	Angle at window of house/extension etc. to be erected not more than:									
	90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
90°	18	18	18	18	13	9	6	4	3	2
80°	18	18	18	13	9	6	4	3	2	-
70°	18	18	13	9	6	4	3	2	-	-
60°	18	13	9	6	4	3	2	-	-	-
50°	13	9	6	4	3	2	-	-	-	-
40°	9	6	4	3	2	-	-	-	-	-
30°	6	4	3	2	-	-	-	-	-	-
20°	4	3	2	-	-	-	-	-	-	-
10°	3	2	-	-	-	-	-	-	-	-
0°	2	-	-	-	-	-	-	-	-	-



Planning Application Advice Note No. 3

PRIVATE and PUBLIC OPEN SPACE PROVISION in NEW RESIDENTIAL DEVELOPMENT

Open space provides two important functions; it contributes to “Placemaking”, providing space around and setting for buildings helping to establish the impression of an area, and it can be used to provide areas for outdoor leisure.

This Advice Note provides guidance on the required levels of public open space and private garden ground that should be included in new residential developments.

Types of development

No two sites are the same and residential development can range from the single house to sites in excess of 100 units. The standards required vary depending upon the scale of the development. The following definitions apply:

SMALL SCALE INFILL, INCLUDING SINGLE PLOTS

- 10 houses or fewer in a vacant / redevelopment site within a built up area.

LARGE SCALE INFILL

- more than 10 houses in a vacant / redevelopment site within a built up area.

GREENFIELD / EDGE OF TOWN

- the development of a site on the edge of or outside a town or village.

FLATTED INFILL

- the development of flats, irrespective of number of units, on a vacant / redevelopment site within a built up area.

FLATTED DEVELOPMENT WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF TOWN SITE

- the development of flats, irrespective of number of units, as part of a larger infill development within a town or village, or on a greenfield / edge of town or village site.

Private Garden Ground

SMALL SCALE INFILL DEVELOPMENTS, INCLUDING SINGLE PLOTS

- new development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. In all instances the minimum window to window distances below should be achieved.

FLATTED INFILL DEVELOPMENTS

- flats should reflect the existing scale of buildings and townscape in the immediate environs. Open space need only be provided where surplus land is available following the provision of any off-street parking required.

LARGE SCALE (INFILL) OR GREENFIELD / EDGE OF SETTLEMENT SITE

- the following minimum sizes shall apply:
 - Rear / private garden depth - 9 metres, although where the rear garden does not back onto residential property or where dwellings in

neighbouring properties are significantly distant, this may be reduced if an area of screened side garden of size equivalent to a rear garden with a 9 metre depth can be provided.

- Front / public garden depth - 6 metres to the main wall.
- Distance from house to side boundary - 2 metres.
- Distance from house to side boundary when the house has an attached garage - 3 metres.

FLATTED WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF SETTLEMENT SITE

- 10 square metres per bedspace based upon an occupancy rate of two persons per double bedroom and one person per single bedroom.

Public Open Space

In developments other than small scale infill and flatted infill sites, public open space is required to be provided to achieve both an appropriate landscape setting for the development and play space.

In such circumstances the following criteria will apply:

- Public open space should be provided at the indicative ratio of 1.64 ha per 1000 population. Population estimates are based upon occupancy rates of two persons per double bedroom and one person per single bedroom.
- It will be the responsibility of the developer to equip the play areas. Children’s play areas and kickabout areas should comprise 0.32 ha per 1000 population.

Location of Play Areas

- Play areas should be located to ensure that they are overlooked, but at the same time must be positioned at least 10 metres distant from the boundary of the nearest residence.
- Where developments are located in close proximity to established parks or play areas, the Council may, in appropriate cases, consider as an alternative to on-site provision of play equipment the supplementing, at the expense of the developer, of existing play equipment in the nearby park or play area. This, however, will not absolve the developer of the requirement to provide amenity landscaped areas to enhance the setting of the development. Toddler play provision may not be required when the developer provides flat rear/private garden depths in excess of 9 metres.

Any new open space and play provision requirements, or changes to existing requirements, identified in a future Inverclyde Greenspace Strategy will supersede those identified above.



Former Bridge of Weir Hospital

7. SCOTTISH PLANNING POLICY



Scottish Planning Policy

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ISBN: 978-1-78412-567-7

Published by the Scottish Government, June 2014

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
DPPAS31655 (06/14)

Scottish Planning Policy

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Planning Series

The Scottish Government series of Planning and Architecture documents are material considerations in the planning system.

Planning and Architecture Policy



Planning and Design Advice and Guidance



Further information is available at: www.scotland.gov.uk/planning

This SPP replaces SPP (2010) and Designing Places (2001)

statutory

non-statutory

Scottish Planning Policy (SPP)

Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development¹ and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to [sustainable development](#). Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

¹ The Planning (Scotland) Act 2006 extends the definition of development to include marine fish farms out to 12 nautical miles.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)², which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)³, the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)⁴, which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)⁵, which contain policy on the implementation of legislation or procedures.

v. The SPP should be read and applied as a whole. Where 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient and effective planning system. The Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development. The key documents referred to provide contextual background or more detailed advice and guidance. Unless otherwise stated, reference to Strategic Development Plans (SDP) covers Local Development Plans outwith SDP areas. The SPP does not restate policy and guidance set out elsewhere. A [glossary](#) of terms is included at the end of this document.

2 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

3 www.scotland.gov.uk/Publications/2013/06/9811/0

4 www.scotland.gov.uk/Publications/2010/03/22120652/0

5 www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars

Introduction

The Planning System

1. The planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing [sustainable economic growth](#).
2. Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.
3. Further information and guidance on planning in Scotland is available at www.scotland.gov.uk/planning⁶. An explanation of the planning system can be found in [A Guide to the Planning System in Scotland](#)⁷.

Core Values of the Planning Service

4. Scottish Ministers expect the planning service to perform to a high standard and to pursue continuous improvement. The service should:
 - focus on outcomes, maximising benefits and balancing competing interests;
 - play a key role in facilitating sustainable economic growth, particularly the creation of new jobs and the strengthening of economic capacity and resilience within communities;
 - be plan-led, with plans being up-to-date and relevant;
 - make decisions in a timely, transparent and fair way to provide a supportive business environment and engender public confidence in the system;
 - be inclusive, engaging all interests as early and effectively as possible;
 - be proportionate, only imposing conditions and obligations where necessary; and
 - uphold the law and enforce the terms of decisions made.

People Make the System Work

5. The primary responsibility for the operation of the planning system lies with strategic development planning authorities, and local and national park authorities. However, all those involved with the system have a responsibility to engage and work together constructively and proportionately to achieve quality places for Scotland. This includes the Scottish Government and its agencies, public bodies, statutory consultees, elected members, communities, the general public, developers, applicants, agents, interest groups and representative organisations.

⁶ www.scotland.gov.uk/Topics/built-environment/planning

⁷ www.scotland.gov.uk/Publications/2009/08/11133705/0

6. Throughout the planning system, opportunities are available for everyone to engage in the development decisions which affect them. Such engagement between stakeholders should be early, meaningful and proportionate. Innovative approaches, tailored to the unique circumstances are encouraged, for example charrettes or mediation initiatives. Support or concern expressed on matters material to planning should be given careful consideration in developing plans and proposals and in determining planning applications. Effective engagement can lead to better plans, better decisions and more satisfactory outcomes and can help to avoid delays in the planning process.

7. Planning authorities and developers should ensure that appropriate and proportionate steps are taken to engage with communities during the preparation of development plans, when development proposals are being formed and when applications for planning permission are made. Individuals and **community** groups should ensure that they focus on planning issues and use available opportunities for engaging constructively with developers and planning authorities.

8. Further information can be found in the following:

- [Town and Country Planning \(Scotland\) Act 1997](#)⁸ as amended, plus associated legislation: sets out minimum requirements for consultation and engagement
- [Circular 6/2013: Development Planning](#)⁹
- [Circular 3/2013: Development Management Procedures](#)¹⁰
- [The Standards Commission for Scotland: Guidance on the Councillors' Code of Conduct](#)¹¹
- [Planning Advice Note 3/2010: Community Engagement](#)¹²
- [A Guide to the Use of Mediation in the Planning System in Scotland \(2009\)](#)¹³

Outcomes: How Planning Makes a Difference

9. The Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth is set out in the Government Economic Strategy. The aim is to ensure that the entire public sector is fully aligned to deliver the Purpose. The relationship of planning to the Purpose is shown on page 8.

10. The Scottish Government's [16 national outcomes](#)¹⁴ articulate in more detail how the Purpose is to be achieved. Planning is broad in scope and cross cutting in nature and therefore contributes to the achievement of all of the national outcomes. The pursuit of these outcomes provides the impetus for other national plans, policies and strategies and many of the principles and policies set out in them are reflected in both the SPP and NPF3.

⁸ www.legislation.gov.uk/ukpga/1997/8/contents

⁹ www.scotland.gov.uk/Publications/2013/12/9924/0

¹⁰ www.scotland.gov.uk/Publications/2013/12/9882/0

¹¹ www.standardscommissionscotland.org.uk/webfm_send/279

¹² www.scotland.gov.uk/Publications/2010/08/30094454/0

¹³ www.scotland.gov.uk/Publications/2009/03/10154116/0

¹⁴ www.scotland.gov.uk/About/Performance/scotPerforms/outcome

11. NPF3 and this SPP share a single vision for the planning system in Scotland:

We live in a Scotland with a growing, low-carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.

12. At the strategic and local level, planning can make a very important contribution to the delivery of [Single Outcome Agreements](#)¹⁵, through their shared focus on ‘place’. Effective integration between land use planning and community planning is crucial and development plans should reflect close working with [Community Planning Partnerships](#)¹⁶.

13. The following four planning outcomes explain how planning should support the vision. The outcomes are consistent across the NPF and SPP and focus on creating a successful sustainable place, a low carbon place, a natural, resilient place and a more connected place. For planning to make a positive difference, development plans and new development need to contribute to achieving these outcomes.

Outcome 1: A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

14. NPF3 aims to strengthen the role of our city regions and towns, create more vibrant rural places, and realise the opportunities for sustainable growth and innovation in our coastal and island areas.

15. The SPP sets out how this should be delivered on the ground. By locating the right development in the right place, planning can provide opportunities for people to make sustainable choices and improve their quality of life. Well-planned places promote well-being, a sense of identity and pride, and greater opportunities for social interaction. Planning therefore has an important role in promoting strong, resilient and inclusive communities. Delivering high-quality buildings, infrastructure and spaces in the right locations helps provide choice over where to live and style of home, choice as to how to access amenities and services and choice to live more active, engaged, independent and healthy lifestyles.

16. Good planning creates opportunities for people to contribute to a growing, adaptable and productive economy. By allocating sites and creating places that are attractive to growing economic sectors, and enabling the delivery of necessary infrastructure, planning can help provide the confidence required to secure private sector investment, thus supporting innovation, creating employment and benefiting related businesses.

Outcome 2: A low carbon place – reducing our carbon emissions and adapting to climate change.

¹⁵ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP/SOA2012

¹⁶ www.scotland.gov.uk/Topics/Government/PublicServiceReform/CP

17. NPF3 will facilitate the transition to a low carbon economy, particularly by supporting diversification of the energy sector. The spatial strategy as a whole aims to reduce greenhouse gas emissions and facilitate **adaptation** to climate change.

18. The Climate Change (Scotland) Act 2009 sets a target of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act:

- in the way best calculated to contribute to the delivery of emissions targets in the Act;
- in the way best calculated to help deliver the Scottish Government’s climate change adaptation programme; and
- in a way that it considers is most sustainable.

19. The SPP sets out how this should be delivered on the ground. By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change. Planning can also influence people’s choices to reduce the environmental impacts of consumption and production, particularly through energy efficiency and the reduction of waste.

Outcome 3: A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.

20. NPF3 emphasises the importance of our environment as part of our cultural identity, an essential contributor to well-being and an economic opportunity. Our spatial strategy aims to build resilience and promotes protection and sustainable use of our world-class environmental assets.

21. The SPP sets out how this should be delivered on the ground. By protecting and making efficient use of Scotland’s existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.

Outcome 4: A more connected place – supporting better transport and digital connectivity.

22. NPF3 reflects our continuing investment in infrastructure, to strengthen transport links within Scotland and to the rest of the world. Improved digital connections will also play a key role in helping to deliver our spatial strategy for sustainable growth.

23. The SPP sets out how this should be delivered on the ground. By aligning development more closely with transport and digital infrastructure, planning can improve sustainability and connectivity. Improved connections facilitate accessibility within and between places – within Scotland and beyond – and support economic growth and an inclusive society.

SG Purpose	To focus government and public services on creating a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.											
SG National Outcomes	The planning system and service contribute to all 16 National Outcomes											
SG National Plans, Policies & Strategies	Government Economic Strategy											
	Infrastructure Investment Plan											
	Scotland's Digital Future	Electricity & Heat Generation Policy Statements	2020 Challenge for Scotland's Biodiversity	Scottish Historic Environment Strategy and Policy	Housing Strategy	National Planning Framework & Scottish Planning Policy	Land Use Strategy	Low Carbon Scotland: Report of Proposals and Policies	National Marine Plan	Regeneration Strategy	National Transport Strategy	
Planning Vision	We live in a Scotland with a growing, low carbon economy with progressively narrowing disparities in well-being and opportunity. It is growth that can be achieved whilst reducing emissions and which respects the quality of environment, place and life which makes our country so special. It is growth which increases solidarity – reducing inequalities between our regions. We live in sustainable, well-designed places and homes which meet our needs. We enjoy excellent transport and digital connections, internally and with the rest of the world.											
Planning Outcomes	Planning makes Scotland a successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed places.			Planning makes Scotland a low carbon place – reducing our carbon emissions and adapting to climate change.			Planning makes Scotland a natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.			Planning makes Scotland a connected place – supporting better transport and digital connectivity.		
National Planning	Scottish Planning Policy (SPP)											
	Principal Policies											
	Sustainability											
	Placemaking											
	Subject Policies											
	Town Centres	Heat and Electricity	Natural Environment	Green Infrastructure	Travel	Zero Waste	Aquacultural	Minerals	Flooding & Drainage	Digital Connectivity	National Planning Framework (NPF)	
	Rural Development											
	Homes											
	Business & Employment	Zero Waste		Digital Connectivity		Cities and Towns		Rural Areas		Coast and Islands		
	Historic Environment	Zero Waste		Digital Connectivity		National Developments		National Developments		National Developments		
	COMMUNITY PLANNING											
Strategic	Strategic Development Plans											
Local	Local Development Plans											
Site	Master Plans											

Principal Policies

Sustainability

NPF and wider policy context

24. The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing **sustainable economic growth**.

25. The Scottish Government's commitment to the concept of **sustainable development** is reflected in its Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

26. The NPF is the spatial expression of the Government Economic Strategy (2011) and sustainable economic growth forms the foundations of its strategy. The NPF sits at the top of the development plan hierarchy and must be taken into account in the preparation of strategic and local development plans.

27. The Government Economic Strategy indicates that sustainable economic growth is the key to unlocking Scotland's potential and outlines the multiple benefits of delivering the Government's purpose, including creating a supportive business environment, achieving a low carbon economy, tackling health and social problems, maintaining a high-quality environment and passing on a sustainable legacy for future generations.

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

28. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

Key Documents

- [National Planning Framework](#)¹⁷
- [Government Economic Strategy](#)¹⁸
- [Planning Reform: Next Steps](#)¹⁹
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁰
- [UK's Shared Framework for Sustainable Development](#)²¹

Delivery

Development Planning

30. Development plans should:

- be consistent with the policies set out in this SPP, including the presumption in favour of development that contributes to sustainable development;
- positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances over time;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area;
- be up-to-date, place-based and enabling with a spatial strategy that is implemented through policies and proposals; and
- set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

¹⁷ www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

¹⁸ www.scotland.gov.uk/Publications/2011/09/13091128/0

¹⁹ www.scotland.gov.uk/Publications/2012/03/3467

²⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

²¹ <http://archive.defra.gov.uk/sustainable/government/documents/SDFramework.pdf>

31. Action programmes should be actively used to drive delivery of planned developments: to align stakeholders, phasing, financing and infrastructure investment over the long term.

Development Management

32. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

33. Where relevant policies in a development plan are out-of-date²² or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

34. Where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.

35. To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.

²² Development plans or their policies should not be considered out-of-date solely on the grounds that they were adopted prior to the publication of this SPP. However, the policies in the SPP will be a material consideration which should be taken into account when determining applications.

Placemaking

NPF and wider policy context

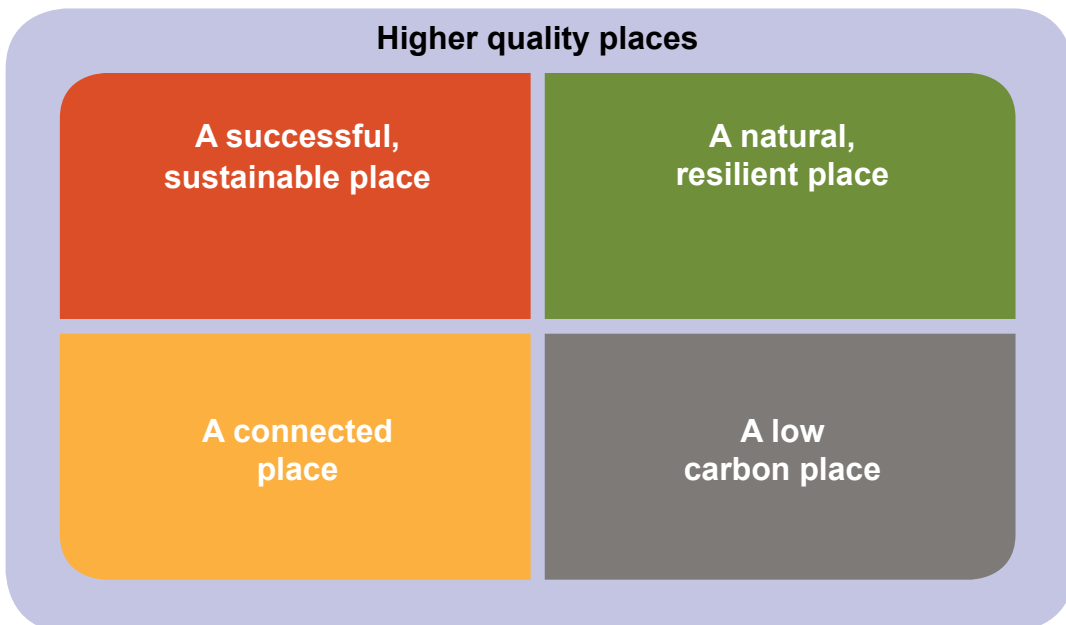
36. Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can make to achieving our shared outcomes. This means harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. Reflecting this, NPF3 sets out an agenda for placemaking in our city regions, towns, rural areas, coast and islands.

37. The Government’s policy statement on architecture and place for Scotland, Creating Places, emphasises that quality places are successful places. It sets out the value that high-quality design can deliver for Scotland’s communities and the important role that good buildings and places play in promoting healthy, sustainable lifestyles; supporting the prevention agenda and efficiency in public services; promoting Scotland’s distinctive identity all over the world; attracting visitors, talent and investment; delivering our environmental ambitions; and providing a sense of belonging, a sense of identity and a sense of community. It is clear that places which have enduring appeal and functionality are more likely to be valued by people and therefore retained for generations to come.

Policy Principles

Planning should take every opportunity to create high quality places by taking a design-led approach.

38. This means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term. This means considering the relationships between:



39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

- **Welcoming**

43. This is development that helps people to find their way around. This can be by providing or accentuating landmarks to create or improve views, it can be locating a distinctive work of art to mark places such as gateways, and it can include appropriate signage and distinctive lighting to improve safety and show off attractive buildings.

- **Adaptable**

44. This is development that can accommodate future changes of use because there is a mix of building densities, tenures and typologies where diverse but compatible uses can be integrated. It takes into account how people use places differently, for example depending on age, gender and degree of personal mobility and providing versatile greenspace.

- **Resource Efficient**

45. This is development that re-uses or shares existing resources, maximises efficiency of the use of resources through natural or technological means and prevents future resource depletion, for example by mitigating and adapting to climate change. This can mean denser development that shares infrastructure and amenity with adjacent sites. It could include siting development to take shelter from the prevailing wind; or orientating it to maximise solar gain. It could also include ensuring development can withstand more extreme weather, including prolonged wet or dry periods, by working with natural environmental processes such as using landscaping and natural shading to cool spaces in built areas during hotter periods and using sustainable drainage systems to conserve and enhance natural features whilst reducing the risk of flooding. It can include using durable materials for building and landscaping as well as low carbon technologies that manage heat and waste efficiently.

- **Easy to Move Around and Beyond**

46. This is development that considers place and the needs of people before the movement of motor vehicles. It could include using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport. It would include paths and routes which connect places directly and which are well-connected with the wider environment beyond the site boundary. This may include providing facilities that link different means of travel.

Key Documents

- [National Planning Framework](#)²³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)²⁴
- [Creating Places –A Policy Statement on Architecture and Place for Scotland](#)²⁵
- [Designing Streets](#)²⁶
- [Planning Advice Note 77: Designing Safer Places](#)²⁷
- [Green Infrastructure: Design and Placemaking](#)²⁸

23 www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Framework

24 www.scotland.gov.uk/Publications/2011/03/17091927/0

25 www.scotland.gov.uk/Publications/2013/06/9811/0

26 www.scotland.gov.uk/Publications/2010/03/22120652/0

27 www.scotland.gov.uk/Publications/2006/03/08094923/0

28 www.scotland.gov.uk/Publications/2011/11/04140525/0

Delivery

47. Planning should adopt a consistent and relevant approach to the assessment of design and place quality such as that set out in the forthcoming Scottish Government Place Standard.

Development Planning

48. Strategic and local development plans should be based on spatial strategies that are deliverable, taking into account the scale and type of development pressure and the need for growth and regeneration. An urban capacity study, which assesses the scope for development within settlement boundaries, may usefully inform the spatial strategy, and local authorities should make use of land assembly, including the use of [compulsory purchase powers](#)²⁹ where appropriate. Early discussion should take place between local authorities, developers and relevant agencies to ensure that investment in necessary new infrastructure is addressed in a timely manner.

49. For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

50. In developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and, where necessary, review the boundaries of any green belt.

51. The spatial form of the green belt should be appropriate to the location. It may encircle a settlement or take the shape of a buffer, corridor, strip or wedge. Local development plans should show the detailed boundary of any green belt, giving consideration to:

- excluding existing settlements and major educational and research uses, major businesses and industrial operations, airports and Ministry of Defence establishments;
- the need for development in smaller settlements within the green belt, where appropriate leaving room for expansion;
- redirecting development pressure to more suitable locations; and
- establishing clearly identifiable visual boundary markers based on landscape features such as rivers, tree belts, railways or main roads³⁰. Hedges and field enclosures will rarely provide a sufficiently robust boundary.

52. Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;

²⁹ www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

³⁰ Note: where a main road forms a green belt boundary, any proposed new accesses would still require to meet the usual criteria.

- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

53. The creation of a new settlement may occasionally be a necessary part of a spatial strategy, where it is justified either by the scale and nature of the housing land requirement and the existence of major constraints to the further growth of existing settlements, or by its essential role in promoting regeneration or rural development.

54. Where a development plan spatial strategy indicates that a new settlement is appropriate, it should specify its scale and location, and supporting infrastructure requirements, particularly where these are integral to the viability and deliverability of the proposed development. Supplementary guidance can address more detailed issues such as design and delivery.

55. Local development plans should contribute to high-quality places by setting out how they will embed a design-led approach. This should include:



- reference to the six qualities of successful places which enable consideration of each place as distinctly different from other places and which should be evident in all development;
- using processes that harness and utilise the knowledge of communities and encourage active participation to deliver places with local integrity and relevance; and
- specifying when design tools, such as those at paragraph 57 should be used.

Development Management

56. Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds.

Tools for Making Better Places

57. Design tools guide the quality of development in and across places to promote positive change. They can help to provide certainty for stakeholders as a contribution to sustainable economic growth. Whichever tools are appropriate to the task, they should focus on delivering the six qualities of successful places and could be adopted as supplementary guidance.

Scale	Tool
<p style="text-align: center;">STRATEGIC</p>   <p style="text-align: center;">SITE SPECIFIC</p>	<p>Design Frameworks</p> <p>For larger areas of significant change, so must include some flexibility.</p> <p>To address major issues in a co-ordinated and viable way.</p> <p>May include general principles as well as maps and diagrams to show the importance of connections around and within a place.</p>
	<p>Development Briefs</p> <p>For a place or site, to form the basis of dialogue between the local authority and developers.</p> <p>To advise how policies should be implemented.</p> <p>May include detail on function, layout, plot sizes, building heights and lines, and materials.</p>
	<p>Master Plans</p> <p>For a specific site that may be phased so able to adapt over time.</p> <p>To describe and illustrate how a proposal will meet the vision and how it will work on the ground.</p> <p>May include images showing the relationship of people and place.</p> <p>See Planning Advice Note 83: Masterplanning³¹</p>
	<p>Design Guides</p> <p>For a particular subject, e.g. shop fronts.</p> <p>To show how development can be put into practice in line with policy.</p> <p>Includes detail, e.g. images of examples.</p>
	<p>Design Statements</p> <p>Required to accompany some planning applications.</p> <p>To explain how the application meets policy and guidance, for example by close reference to key considerations of street design with Designing Streets.</p> <p>See Planning Advice Note 68: Design Statements³²</p>

31 www.scotland.gov.uk/Publications/2008/11/10114526/0

32 www.scotland.gov.uk/Publications/2003/08/18013/25389

Subject Policies

A Successful, Sustainable Place

Promoting Town Centres

NPF and wider context

58. NPF3 reflects the importance of town centres as a key element of the economic and social fabric of Scotland. Much of Scotland's population lives and works in towns, within city regions, in our rural areas and on our coasts and islands. Town centres are at the heart of their communities and can be hubs for a range of activities. It is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors for the 21st century.

59. The town centre first principle, stemming from the Town Centre Action Plan, promotes an approach to wider decision-making that considers the health and vibrancy of town centres.

Policy Principles

60. Planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should:

- apply a town centre first policy³³ when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities;
- encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening;
- ensure development plans, decision-making and monitoring support successful town centres; and
- consider opportunities for promoting residential use within town centres where this fits with local need and demand.

Key Documents

- [National Review of Town Centres External Advisory Group Report: Community and Enterprise in Scotland's Town Centres](#)³⁴
- [Town Centre Action Plan – the Scottish Government response](#)³⁵
- [Planning Advice Note 59: Improving Town Centres](#)³⁶
- [Planning Advice Note 52: Planning and Small Towns](#)³⁷

33 A town centre first policy is intended to support town centres, where these exist, or new centres which are supported by the development plan. Where there are no town centres in the vicinity, for example in more remote rural and island areas, the expectation is that local centres will be supported. The town centre first policy is not intended to divert essential services and developments away from such rural areas. See section on Rural Development.

34 www.scotland.gov.uk/Resource/0042/00426972.pdf

35 www.scotland.gov.uk/Publications/2013/11/6415

36 www.scotland.gov.uk/Publications/1999/10/pan59-root/pan59

37 www.scotland.gov.uk/Publications/1997/04/pan52

- [Town Centres Masterplanning Toolkit](#)³⁸

Development Plans

61. Plans should identify a network of centres and explain how they can complement each other. The network is likely to include city centres, town centres, local centres and commercial centres and may be organised as a hierarchy. Emerging or new centres designated within key new developments or land releases should also be shown within the network of centres. In remoter rural and island areas, it may not be necessary to identify a network.

62. Plans should identify as town centres those centres which display:

- a diverse mix of uses, including shopping;
- a high level of accessibility;
- qualities of character and identity which create a sense of place and further the well-being of communities;
- wider economic and social activity during the day and in the evening; and
- integration with residential areas.

63. Plans should identify as commercial centres those centres which have a more specific focus on retailing and/or leisure uses, such as shopping centres, commercial leisure developments, mixed retail and leisure developments, retail parks and factory outlet centres. Where necessary to protect the role of town centres, plans should specify the function of commercial centres, for example where retail activity may be restricted to the sale of bulky goods.

64. Local authorities, working with community planning partners, businesses and community groups as appropriate, should prepare a town centre health check. Annex A sets out a range of indicators which may be relevant. The purpose of a health check is to assess a town centre's strengths, vitality and viability, weaknesses and resilience. It will be used to inform development plans and decisions on planning applications. Health checks should be regularly updated, to monitor town centre performance, preferably every two years.

65. Local authorities, working with partners, should use the findings of the health check to develop a strategy to deliver improvements to the town centre. Annex A contains guidance on key elements in their preparation.

66. The spatial elements of town centre strategies should be included in the development plan or supplementary guidance. Plans should address any significant changes in the roles and functions of centres over time, where change is supported by the results of a health check. Plans should assess how centres can accommodate development and identify opportunities.

67. There are concerns about the number and clustering of some non-retail uses, such as betting offices and high interest money lending premises, in some town and local centres. Plans should include policies to support an appropriate mix of uses in town centres, local centres and high streets. Where a town centre strategy indicates that further provision of particular activities would undermine the character and amenity of centres or the well-being of communities, plans should include policies to prevent such over-provision and clustering.

³⁸ <http://creatingplacescotland.org/people-communities/policy/town-centre-masterplanning-toolkit#overlay-context=people-communities/policy>

68. Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities. This requires that locations are considered in the following order of preference:

- town centres (including city centres and local centres);
- edge of town centre;
- other commercial centres identified in the development plan; and
- out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

69. Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.

Development Management

70. Decisions on development proposals should have regard to the context provided by the network of centres identified in the development plan and the sequential approach outlined above. New development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

71. Where development proposals in edge of town centre, commercial centre or out-of-town locations are contrary to the development plan, it is for applicants to demonstrate that more central options have been thoroughly assessed and that the impact on existing town centres is acceptable. Where a new public building or office with a gross floorspace over 2,500m² is proposed outwith a town centre, and is contrary to the development plan, an assessment of the impact on the town centre should be carried out. Where a retail and leisure development with a gross floorspace over 2,500m² is proposed outwith a town centre, contrary to the development plan, a retail impact analysis should be undertaken. For smaller retail and leisure proposals which may have a significant impact on vitality and viability, planning authorities should advise when retail impact analysis is necessary.

72. This analysis should consider the relationship of the proposed development with the network of centres identified in the development plan. Where possible, authorities and developers should agree the data required and present information on areas of dispute in a succinct and comparable form. Planning authorities should consider the potential economic impact of development and take into account any possible displacement effect.

73. Out-of-centre locations should only be considered for uses which generate significant footfall³⁹ where:

- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;

³⁹ As noted at paragraph 69, a flexible approach is required for community, education and healthcare facilities.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

Promoting Rural Development

NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁴⁰
- National Marine Plan

Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

⁴⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

79. Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

80. Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on [prime agricultural land](#), or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

81. In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

82. In some most pressured areas, the designation of green belts may be appropriate.

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- include provision for small-scale housing⁴¹ and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

National Parks

84. National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

85. These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

86. Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

Coastal Planning

87. The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

Development Plans

88. Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

⁴¹ including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.

avoid development in areas at risk. Where appropriate, development plans should identify areas at risk and areas where a managed realignment of the coast would be beneficial.

89. Plans should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development; areas subject to significant constraints; and largely unspoiled areas of the coast that are generally unsuitable for development. It should be explained that this broad division does not exclude important local variations, for example where there are areas of environmental importance within developed estuaries, or necessary developments within the largely unspoiled coast where there is a specific locational need, for example for defence purposes, tourism developments of special significance, or essential onshore developments connected with offshore energy projects or (where appropriate) aquaculture.

90. Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments.

91. Plans should safeguard unspoiled sections of coast which possess special environmental or cultural qualities, such as wild land. The economic value of these areas should be considered and maximised, provided that environmental impact issues can be satisfactorily addressed.

Supporting Business and Employment

NPF Context

92. NPF3 supports the many and varied opportunities for planning to support business and employment. These range from a focus on the role of cities as key drivers of our economy, to the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

Policy Principles

93. The planning system should:

- promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- give due weight to net economic benefit of proposed development.

Key Documents

- [Government Economic Strategy](#)⁴²

⁴² www.scotland.gov.uk/Topics/Economy/EconomicStrategy

- [Tourism Development Framework for Scotland](#)⁴³
- [A Guide to Development Viability](#)⁴⁴

Delivery

Development Planning

94. Plans should align with relevant local economic strategies. These will help planning authorities to meet the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth, including:

- energy;
- life sciences, universities and the creative industries;
- tourism and the food and drink sector;
- financial and business services.

95. Plans should encourage opportunities for home-working, live-work units, micro-businesses and community hubs.

96. Development plans should support opportunities for integrating efficient energy and waste innovations within business environments. Industry stakeholders should engage with planning authorities to help facilitate co-location, as set out in paragraph 179.

97. Strategic development plan policies should reflect a robust evidence base in relation to the existing principal economic characteristics of their areas, and any anticipated change in these.

98. Strategic development plans should identify an appropriate range of locations for significant business clusters. This could include sites identified in the [National Renewables Infrastructure Plan](#)⁴⁵, [Enterprise Areas](#)⁴⁶, business parks, science parks, large and medium-sized industrial sites and high amenity sites.

99. Strategic development plans and local development plans outwith SDP areas should identify any nationally important clusters of industries [handling hazardous substances](#) within their areas and safeguard them from development which, either on its own or in combination with other development, would compromise their continued operation or growth potential. This is in the context of the wider statutory requirements in the Town and Country Planning (Development Planning) (Scotland) Regulations 2009⁴⁷ to have regard to the need to maintain appropriate distances between sites with hazardous substances and areas where the public are likely to be present and areas of particular natural sensitivity or interest.

100. Development plans should be informed by the Tourism Development Framework for Scotland in order to maximise the sustainable growth of regional and local visitor economies. Strategic development plans should identify and safeguard any nationally or regionally important locations for tourism or recreation development within their areas.

43 www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

44 www.scotland.gov.uk/Resource/Doc/212607/0109620.pdf

45 www.scottish-enterprise.com/~media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

46 www.scotland.gov.uk/Topics/Economy/EconomicStrategy/Enterprise-Areas

47 These statutory requirements are due to be amended in 2015 as part of the implementation of Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances.

101. Local development plans should allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements; whether sites are serviced or serviceable within five years; the potential for a mix of uses; their accessibility to transport networks by walking, cycling and public transport and their integration with and access to existing transport networks. The allocation of such sites should be informed by relevant economic strategies and business land audits in respect of land use classes 4, 5 and 6.

102. Business land audits should be undertaken regularly by local authorities to inform reviews of development plans, and updated more frequently if relevant. Business land audits should monitor the location, size, planning status, existing use, neighbouring land uses and any significant land use issues (e.g. underused, vacant, derelict) of sites within the existing business land supply.

103. New sites should be identified where existing sites no longer meet current needs and market expectations. Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

104. Local development plans should locate development which generates significant freight movements, such as manufacturing, processing, distribution and warehousing, on sites accessible to suitable railheads or harbours or the strategic road network. Through appraisal, care should be taken in locating such development to minimise any impact on congested, inner urban and residential areas.

105. Planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans. This may include new developments or the enhancement of existing facilities.

Development Management

106. Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings. Decisions should be guided by the principles set out in paragraphs 28 to 35.

107. Proposals for development in the vicinity of [major-accident hazard sites](#) should take into account the potential impacts on the proposal and the major-accident hazard site of being located in proximity to one another. Decisions should be informed by the Health and Safety Executive's advice, based on the [PADHI](#) tool. Similar considerations apply in respect of development proposals near licensed explosive sites (including military explosive storage sites).

108. Proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking.

Enabling Delivery of New Homes

NPF Context

109. NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

Policy Principles

110. The planning system should:

- identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5-year supply of effective housing land at all times;
- enable provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places; and
- have a sharp focus on the delivery of allocated sites embedded in action programmes, informed by strong engagement with stakeholders.

Key Documents

- [The Housing \(Scotland\) Act 2001](#)⁴⁸ requires local authorities to prepare a local housing strategy supported by an assessment of housing need and demand
- [Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits](#)⁴⁹

Delivery

111. Local authorities should identify functional housing market areas, i.e. geographical areas where the demand for housing is relatively self-contained. These areas may significantly overlap and will rarely coincide with local authority boundaries. They can be dynamic and complex, and can contain different tiers of sub-market area, overlain by mobile demand, particularly in city regions.

112. Planning for housing should be undertaken through joint working by housing market partnerships, involving both housing and planning officials within local authorities, and cooperation between authorities where strategic planning responsibilities and/or housing market areas are shared, including national park authorities. Registered social landlords, developers, other specialist interests, and local communities should also be encouraged to engage with housing market partnerships. In rural or island areas where there is no functional housing market area, the development plan should set out the most appropriate approach for the area.

48 www.legislation.gov.uk/asp/2001/10/contents

49 www.scotland.gov.uk/Publications/2010/08/31111624/0

Development Planning

113. Plans should be informed by a robust housing need and demand assessment (HNDA), prepared in line with the Scottish Government’s HNDA Guidance⁵⁰. This assessment provides part of the evidence base to inform both local housing strategies and development plans (including the main issues report). It should produce results both at the level of the functional housing market area and at local authority level, and cover all tenures. Where the Scottish Government is satisfied that the HNDA is robust and credible, the approach used will not normally be considered further at a development plan examination.

114. The HNDA, development plan, and local housing strategy processes should be closely aligned, with joint working between housing and planning teams. Local authorities may wish to wait until the strategic development plan is approved in city regions, and the local development plan adopted elsewhere, before finalising the local housing strategy, to ensure that any modifications to the plans can be reflected in local housing strategies, and in local development plans in the city regions.

115. Plans should address the supply of land for all housing. They should set out the **housing supply target** (separated into affordable and market sector) for each functional housing market area, based on evidence from the HNDA. The housing supply target is a policy view of the number of homes the authority has agreed will be delivered in each housing market area over the periods of the development plan and local housing strategy, taking into account wider economic, social and environmental factors, issues of capacity, resource and deliverability, and other important requirements such as the aims of National Parks. The target should be reasonable, should properly reflect the HNDA estimate of housing demand in the market sector, and should be supported by compelling evidence. The authority’s housing supply target should also be reflected in the local housing strategy.

116. Within the overall housing supply target⁵¹, plans should indicate the number of new homes to be built over the plan period. This figure should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land for housing is provided. The exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

117. The housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective in the plan period, sites with planning permission, proposed new land allocations, and in some cases a proportion of windfall development. Any assessment of the expected contribution to the housing land requirement from **windfall sites** must be realistic and based on clear evidence of past completions and sound assumptions about likely future trends. In urban areas this should be informed by an urban capacity study.

118. Strategic development plans should set out the **housing supply target** and the housing land requirement for the plan area, each local authority area, and each functional housing market area. They should also state the amount and broad locations of land which should be allocated in local development plans to meet the housing land requirement up to year 12 from the expected year of plan approval, making sure that the requirement for each housing market area is met in full. Beyond year 12 and up to year 20, the strategic development plan should provide an indication of the possible scale and location of housing land, including by local development plan area.

⁵⁰ www.scotland.gov.uk/Topics/Built-Environment/Housing/supply-demand/chma/hnda

⁵¹ Note: the housing supply target may in some cases include a contribution from other forms of delivery, for example a programme to bring empty properties back into use.

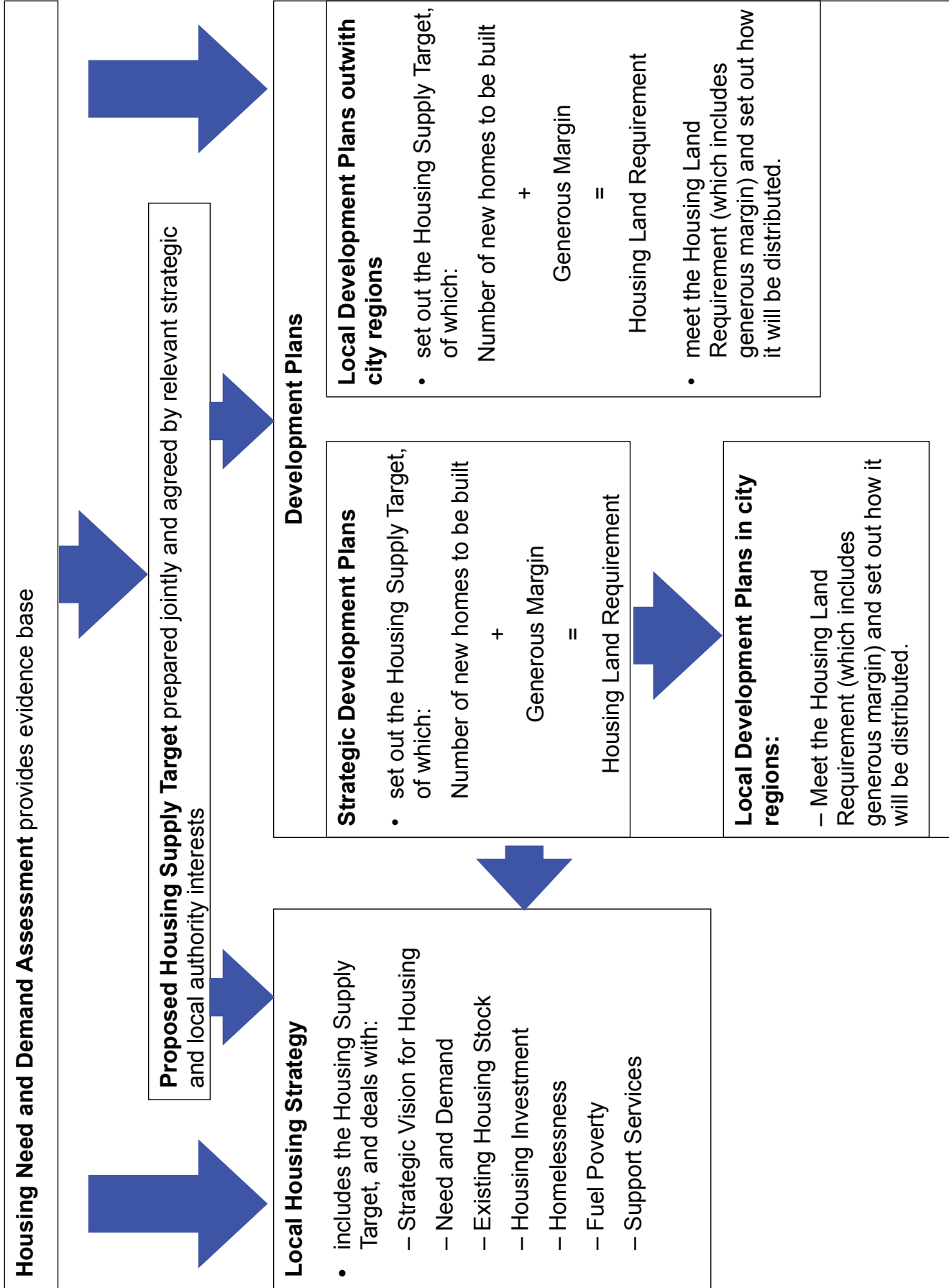
119. Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum of 5 years effective land supply at all times. In allocating sites, planning authorities should be confident that land can be brought forward for development within the plan period and that the range of sites allocated will enable the housing supply target to be met.

120. Outwith city regions, local development plans should set out the housing supply target (separated into affordable and market sector) and the housing land requirement for each housing market area in the plan area up to year 10 from the expected year of adoption. They should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement in full. They should provide a minimum of 5 years effective land supply at all times. Beyond year 10 and up to year 20, the local development plan should provide an indication of the possible scale and location of the housing land requirement.

121. In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.

122. Local development plans should allocate appropriate sites to support the creation of sustainable mixed communities and successful places and help to ensure the continued delivery of new housing.

Diagram 1: Housing Land, Development Planning and the Local Housing Strategy



Maintaining a 5-year Effective Land Supply

123. Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints⁵² and can be developed for housing. In remoter rural areas and island communities, where the housing land requirement and market activity are of a more limited scale, the housing land audit process may be adapted to suit local circumstances.

124. The development plan action programme, prepared in tandem with the plan, should set out the key actions necessary to bring each site forward for housing development and identify the lead partner. It is a key tool, and should be used alongside the housing land audit to help planning authorities manage the land supply.

125. Planning authorities, developers, service providers and other partners in housing provision should work together to ensure a continuing supply of effective land and to deliver housing, taking a flexible and realistic approach. Where a shortfall in the 5-year effective housing land supply emerges, development plan policies for the supply of housing land will not be considered up-to-date, and paragraphs 32-35 will be relevant.

Affordable Housing

126. Affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation, mid-market rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy.

127. Where the housing supply target requires provision for affordable housing, strategic development plans should state how much of the total housing land requirement this represents.

128. Local development plans should clearly set out the scale and distribution of the affordable housing requirement for their area. Where the HNDA and local housing strategy process identify a shortage of affordable housing, the plan should set out the role that planning will take in addressing this. Planning authorities should consider whether it is appropriate to allocate some small sites specifically for affordable housing. Advice on the range of possible options for provision of affordable housing is set out in PAN 2/2010.

129. Plans should identify any expected developer contributions towards delivery of affordable housing. Where a contribution is required, this should generally be for a specified proportion of the serviced land within a development site to be made available for affordable housing. Planning authorities should consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. The level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. Consideration should also be given to the nature of the affordable housing required and the extent to which this can be met by proposals capable of development with little or no public subsidy. Where permission is sought for specialist housing, as described in paragraphs 132-134, a contribution to affordable housing may not always be required.

⁵² Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits sets out more fully the measure of effective sites www.scotland.gov.uk/Publications/2010/08/31111624/5

130. Plans should consider how affordable housing requirements will be met over the period of the plan. Planning and housing officials should work together closely to ensure that the phasing of land allocations and the operation of affordable housing policies combine to deliver housing across the range of tenures. In rural areas, where significant unmet local need for affordable housing has been shown, it may be appropriate to introduce a 'rural exceptions' policy which allows planning permission to be granted for affordable housing on small sites that would not normally be used for housing, for example because they lie outwith the adjacent built-up area and are subject to policies of restraint.

131. Any detailed policies on how the affordable housing requirement is expected to be delivered, including any differences in approach for urban and rural areas, should be set out in supplementary guidance. Where it is considered that housing built to meet an identified need for affordable housing should remain available to meet such needs in perpetuity, supplementary guidance should set out the measures to achieve this. Any specific requirements on design may also be addressed in supplementary guidance.

Specialist Housing Provision and Other Specific Needs

132. As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

133. HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development plans and local housing strategies should address any need identified, taking into account their mobile lifestyles. In city regions, the strategic development plan should have a role in addressing cross-boundary considerations. If there is a need, local development plans should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (where account should be taken of the need for storage and maintenance of equipment as well as accommodation). These communities should be appropriately involved in identifying sites for their use.

134. Local development plans should address any need for houses in multiple occupation (HMO). More information is provided in Circular 2/2012 Houses in Multiple Occupation⁵³. Planning authorities should also consider the housing requirements of service personnel and sites for people seeking self-build plots. Where authorities believe it appropriate to allocate suitable sites for self-build plots, the sites may contribute to meeting the housing land requirement.

⁵³ www.scotland.gov.uk/Publications/2012/06/4191

Valuing the Historic Environment

NPF and wider policy context

135. NPF3 recognises the contribution made by our cultural heritage to our economy, cultural identity and quality of life. Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure industry.

136. The [historic environment](#) is a key cultural and economic asset and a source of inspiration that should be seen as integral to creating successful places. Culture-led regeneration can have a profound impact on the well-being of a community in terms of the physical look and feel of a place and can also attract visitors, which in turn can bolster the local economy and sense of pride or ownership.

Policy Principles

137. The planning system should:

- promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

Key Documents

- [Scottish Historic Environment Policy](#)⁵⁴
- [Historic Environment Strategy for Scotland](#)⁵⁵
- [Managing Change in the Historic Environment – Historic Scotland’s guidance note series](#)⁵⁶
- [Planning Advice Note 2/2011: Planning and Archaeology](#)⁵⁷
- [Planning Advice Note 71: Conservation Area Management](#)⁵⁸
- [Scottish Historic Environment Databases](#)⁵⁹

⁵⁴ www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

⁵⁵ www.scotland.gov.uk/Publications/2014/03/8522

⁵⁶ www.historic-scotland.gov.uk/managingchange

⁵⁷ www.scotland.gov.uk/Publications/2011/08/04132003/0

⁵⁸ www.scotland.gov.uk/Publications/2004/12/20450/49052

⁵⁹ <http://smrforum-scotland.org.uk/wp-content/uploads/2014/03/SHED-Strategy-Final-April-2014.pdf>

Delivery

Development Planning

138. Strategic development plans should protect and promote their significant historic environment assets. They should take account of the capacity of settlements and surrounding areas to accommodate development without damage to their historic significance.

139. Local development plans and supplementary guidance should provide a framework for protecting and, where appropriate, enhancing all elements of the historic environment. Local planning authorities should designate and review existing and potential conservation areas and identify existing and proposed [Article 4 Directions](#). This should be supported by Conservation Area Appraisals and Management Plans.

Development Management

140. The siting and design of development should take account of all aspects of the historic environment. In support of this, planning authorities should have access to a Sites and Monuments Record (SMR) and/or a Historic Environment Record (HER) that contains necessary information about known historic environment features and finds in their area.

Listed Buildings

141. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

142. Enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

Conservation Areas

143. Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

144. Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders⁶⁰ can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.

⁶⁰ www.scotland.gov.uk/Publications/2011/01/28152314/0

Scheduled Monuments

145. Where there is potential for a proposed development to have an adverse effect on a [scheduled monument](#) or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development.

Historic Marine Protected Areas

146. Where planning control extends offshore, planning authorities should ensure that development will not significantly hinder the preservation objectives of [Historic Marine Protected Areas](#).

World Heritage Sites

147. World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its [Outstanding Universal Value](#).

Gardens and Designed Landscapes

148. Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.

Battlefields

149. Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

Archaeology and Other Historic Environment Assets

150. Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.

151. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

A Low Carbon Place

Delivering Heat and Electricity

NPF Context

152. NPF3 is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the [Scottish Government's Report on Proposals and Policies](#)⁶¹. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore. Spatial priorities range from extending heat networks in our cities and towns to realising the potential for renewable energy generation in our coastal and island areas.

153. Terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. Efficient supply of low carbon and low cost heat and generation of heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. Renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the [National Renewables Infrastructure Plan](#)⁶². Communities can also gain new opportunities from increased local ownership and associated benefits.

Policy Principles

154. The planning system should:

- support the transformational change to a low carbon economy, consistent with national objectives and targets⁶³, including deriving:
 - 30% of overall energy demand from renewable sources by 2020;
 - 11% of heat demand from renewable sources by 2020; and
 - the equivalent of 100% of electricity demand from renewable sources by 2020;
- support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks;
- guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed;
- help to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:
 - Energy efficiency;
 - Heat recovery;
 - Efficient energy supply and storage;

61 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

62 www.scottish-enterprise.com/~/_/media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx

63 Further targets may be set in due course, for example district heating targets have been proposed.

- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

Key Documents

- [Electricity Generation Policy Statement](#)⁶⁴
- [2020 Routemap for Renewable Energy in Scotland](#)⁶⁵
- [Towards Decarbonising Heat: Maximising the opportunities for Scotland, Draft Heat Generation Policy Statement](#)⁶⁶
- [Low Carbon Scotland: Meeting Our Emissions Reductions Targets 2013 - 2027](#)⁶⁷

Delivery

Development Planning

155. Development plans should seek to ensure an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and **cumulative impact** considerations.

156. Strategic development plans should support national priorities for the construction or improvement of strategic energy infrastructure, including generation, storage, transmission and distribution networks. They should address cross-boundary issues, promoting an approach to electricity and heat that supports the transition to a low carbon economy.

157. Local development plans should support new build developments, infrastructure or retrofit projects which deliver energy efficiency and the recovery of energy that would otherwise be wasted both in the specific development and surrounding area. They should set out the factors to be taken into account in considering proposals for energy developments. These will depend on the scale of the proposal and its relationship to the surrounding area and are likely to include the considerations set out at paragraph 169.

Heat

158. Local development plans should use heat mapping to identify the potential for co-locating developments with a high heat demand with sources of heat supply. Heat supply sources include harvestable woodlands, sawmills producing biomass, biogas production sites and developments producing unused excess heat, as well as geothermal systems, heat recoverable from mine waters, aquifers, other bodies of water and heat storage systems. Heat demand sites for particular consideration include high density developments, communities off the gas grid, fuel poor areas and **anchor developments** such as hospitals, schools, leisure centres and heat intensive industry.

159. Local development plans should support the development of heat networks in as many locations as possible, even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future. Local development plans should identify where heat networks, heat storage and **energy centres** exist or would be appropriate and include policies to support their implementation. Policies should support

64 www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPSMain

65 www.scotland.gov.uk/Publications/2011/08/04110353/0

66 www.scotland.gov.uk/Publications/2014/03/2778

67 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

safeguarding of piperuns within developments for later connection and pipework to the curtilage of development. Policies should also give consideration to the provision of energy centres within new development. Where a district network exists, or is planned, or in areas identified as appropriate for district heating, policies may include a requirement for new development to include infrastructure for connection, providing the option to use heat from the network.

160. Where heat networks are not viable, microgeneration and heat recovery technologies associated with individual properties should be encouraged.

Onshore Wind

161. Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1. Development plans should indicate the minimum scale⁶⁸ of onshore wind development that their spatial framework is intended to apply to. Development plans should also set out the criteria that will be considered in deciding all applications for wind farms of different scales – including extensions and re-powering – taking account of the considerations set out at paragraph 169.

162. Both strategic and local development planning authorities, working together where required, should identify where there is strategic capacity for wind farms, and areas with the greatest potential for wind development, considering cross-boundary constraints and opportunities. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity with constituent planning authorities.

163. The approach to spatial framework preparation set out in the SPP should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and [cumulative impacts](#) (see paragraph 169).

164. Individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan policy criteria for determining wind farms and the development management considerations accounted for when determining individual applications.

165. Grid capacity should not be used as a reason to constrain the areas identified for wind farm development or decisions on individual applications for wind farms. It is for wind farm developers to discuss connections to the grid with the relevant transmission network operator. Consideration should be given to underground grid connections where possible.

166. Proposals for onshore wind turbine developments should continue to be determined while spatial frameworks and local policies are being prepared and updated. Moratoria on onshore wind development are not appropriate.

⁶⁸ For example, Loch Lomond and The Trossachs and Cairngorms National Parks refer to developments of more than one turbine and over 30 metres in height as large-scale commercial wind turbines.

Table 1: Spatial Frameworks

<p>Group 1: Areas where wind farms will not be acceptable:</p> <p>National Parks and National Scenic Areas.</p>		
<p>Group 2: Areas of significant protection:</p> <p>Recognising the need for significant protection, in these areas wind farms may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.</p>		
<p>National and international designations:</p> <ul style="list-style-type: none"> • World Heritage Sites; • Natura 2000 and Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Sites identified in the Inventory of Gardens and Designed Landscapes; • Sites identified in the Inventory of Historic Battlefields. 	<p>Other nationally important mapped environmental interests:</p> <ul style="list-style-type: none"> • areas of wild land as shown on the 2014 SNH map of wild land areas; • carbon rich soils, deep peat and priority peatland habitat. 	<p>Community separation for consideration of visual impact:</p> <ul style="list-style-type: none"> • an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The extent of the area will be determined by the planning authority based on landform and other features which restrict views out from the settlement.
<p>Group 3: Areas with potential for wind farm development:</p> <p>Beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.</p>		

Other Renewable Electricity Generating Technologies and Storage

167. Development plans should identify areas capable of accommodating renewable electricity projects in addition to wind generation, including hydro-electricity generation related to river or tidal flows or energy storage projects of a range of scales.

168. Development plans should identify areas which are weakly connected or unconnected to the national electricity network and facilitate development of decentralised and mobile energy storage installations. Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion. Strategic development planning authorities are expected to take the lead in dealing with cross-boundary constraints and opportunities and will coordinate activity between constituent planning authorities.

Development Management

169. Proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms and heat maps where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include:

- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets;
- effect on greenhouse gas emissions;
- **cumulative impacts** – planning authorities should be clear about likely cumulative impacts arising from all of the considerations below, recognising that in some areas the cumulative impact of existing and consented energy development may limit the capacity for further development;
- impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- landscape and visual impacts, including effects on wild land;
- effects on the natural heritage, including birds;
- impacts on carbon rich soils, using the carbon calculator;
- public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF;
- impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- impacts on tourism and recreation;
- impacts on aviation and defence interests and seismological recording;
- impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- impacts on road traffic;
- impacts on adjacent trunk roads;
- effects on hydrology, the water environment and flood risk;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration;

- opportunities for energy storage; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

170. Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.

171. Proposals for energy generation from non-renewable sources may be acceptable where carbon capture and storage or other emissions reduction infrastructure is either already in place or committed within the development's lifetime and proposals must ensure protection of good environmental standards.

172. Where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

Community Benefit

173. Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the [Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments](#)⁶⁹.

Existing Wind Farm Sites

174. Proposals to repower existing wind farms which are already in suitable sites where environmental and other impacts have been shown to be capable of mitigation can help to maintain or enhance installed capacity, underpinning renewable energy generation targets. The current use of the site as a wind farm will be a material consideration in any such proposals.

Planning for Zero Waste

NPF and Wider Context

175. NPF3 recognises that waste is a resource and an opportunity, rather than a burden. Scotland has a Zero Waste Policy, which means wasting as little as possible and recognising that every item and material we use, either natural or manufactured, is a resource which has value for our economy. Planning plays a vital role in supporting the provision of facilities and infrastructure for future business development, investment and employment.

Policy Principles

176. The planning system should:

- promote developments that minimise the unnecessary use of primary materials and promote efficient use of secondary materials;
- support the emergence of a diverse range of new technologies and investment opportunities to secure economic value from secondary resources, including reuse, refurbishment, remanufacturing and reprocessing;
- support achievement of Scotland's zero waste targets: recycling 70% of household waste and sending no more than 5% of Scotland's annual waste arisings to landfill by 2025; and
- help deliver infrastructure at appropriate locations, prioritising development in line with the waste hierarchy: waste prevention, reuse, recycling, energy recovery and waste disposal.

69 www.scotland.gov.uk/Publications/2013/11/8279

Key Documents

- [EU revised Waste Framework Directive](#)⁷⁰ (2008/98/EC)
- [Waste \(Scotland\) Regulations 2012](#)⁷¹: a statutory framework to maximise the quantity and quality of materials available for recycling and minimise the need for residual waste infrastructure;
- [Zero Waste Plan](#)⁷² and accompanying regulations and supporting documents;
- Safeguarding Scotland's Resources: A blueprint for a more resource efficient and circular economy;
- [Circular 6/2013 Development Planning](#)⁷³;
- SEPA waste data sources: including [Waste Data Digests](#)⁷⁴ and [Waste Infrastructure Maps](#)⁷⁵;
- [SEPA Thermal Treatment of Waste Guidelines 2013](#)⁷⁶;
- [Waste capacity tables](#)⁷⁷ (formerly Zero Waste Plan Annex B capacity tables)

Delivery

177. Planning authorities and SEPA should work collaboratively to achieve zero waste objectives, having regard to the Zero Waste Plan, through development plans and development management. A revised version of PAN 63: Planning and Waste Management will be published in due course.

Development Planning

178. Plans should give effect to the aims of the Zero Waste Plan and promote the waste hierarchy.

179. For new developments, including industrial, commercial, and residential, plans should promote resource efficiency and the minimisation of waste during construction and operation.

180. Plans should enable investment opportunities in a range of technologies and industries to maximise the value of secondary resources and waste to the economy, including composting facilities, transfer stations, materials recycling facilities, anaerobic digestion, mechanical, biological and thermal treatment plants. In line with the waste hierarchy, particular attention should be given to encouraging opportunities for reuse, refurbishment, remanufacturing and reprocessing of high value materials and products. Industry and business should engage with planning authorities to help identify sites which would enable co-location with end users of outputs where appropriate.

181. Planning authorities should have regard to the annual update of required capacity for source segregated and unsorted waste, mindful of the need to achieve the all-Scotland operational capacity. However, this should not be regarded as a cap and planning authorities should generally facilitate growth in sustainable resource management.

70 <http://ec.europa.eu/environment/waste/framework/revision.htm>

71 www.legislation.gov.uk/sdsi/2012/9780111016657/contents

72 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy

73 www.scotland.gov.uk/Publications/2013/12/9924/0

74 www.sepa.org.uk/waste/waste_data/waste_data_digest.aspx

75 www.sepa.org.uk/waste/waste_infrastructure_maps.aspx

76 www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx

77 www.scotland.gov.uk/Topics/Environment/waste-and-pollution/Waste-1/wastestrategy/annexb

182. The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. The achievement of a sustainable strategy may involve waste crossing planning boundaries. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new waste facilities.

183. Any sites identified specifically for energy from waste facilities should enable links to be made to potential users of renewable heat and energy. Such schemes are particularly suitable in locations where there are premises nearby with a long-term demand for heat. Paragraphs 158 to 160 set out policy on heat networks and mapping.

184. Plans should safeguard existing waste management installations and ensure that the allocation of land on adjacent sites does not compromise waste handling operations, which may operate 24 hours a day and partly outside buildings.

185. Strategic development plans and local development plans outwith city regions should set out spatial strategies which make provision for new infrastructure, indicating clearly that it can generally be accommodated on land designated for employment, industrial or storage and distribution uses.

186. Local development plans should identify appropriate locations for new infrastructure, allocating specific sites where possible, and should provide a policy framework which facilitates delivery. Suitable sites will include those which have been identified for employment, industry or storage and distribution. Updated Scottish Government planning advice on identifying sites and assessing their suitability will be provided in due course.

187. Local development plans should identify where masterplans or development briefs will be required to guide the development of waste installations for major sites.

Development Management

188. In determining applications for new installations, authorities should take full account of the policy set out at paragraph 176. Planning authorities should determine whether proposed developments would constitute appropriate uses of the land, leaving the regulation of permitted installations to SEPA.

189. SEPA's Thermal Treatment of Waste Guidelines 2013 and addendum sets out policy on thermal treatment plants.

190. All new development including residential, commercial and industrial properties should include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.

191. Planning authorities should consider the need for buffer zones between dwellings or other **sensitive receptors** and some waste management facilities. As a guide, appropriate buffer distances may be:

- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
- 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
- greater between sensitive receptors and landfill sites.

192. Planning authorities should:

- consider requiring the preparation of site waste management plans for construction sites;
- secure decommissioning or restoration (including landfill) to agreed standards as a condition of planning permission for waste management facilities; and
- ensure that landfill consents are subject to an appropriate financial bond unless the operator can demonstrate that their programme of restoration, including the necessary financing, phasing and aftercare of sites, is sufficient.

A Natural, Resilient Place

Valuing the Natural Environment

NPF Context

193. The natural environment forms the foundation of the spatial strategy set out in NPF3. The environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use.

Policy Principles

194. The planning system should:

- facilitate positive change while maintaining and enhancing distinctive landscape character;
- conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
- promote protection and improvement of the water environment, including rivers, lochs, estuaries, wetlands, coastal waters and groundwater, in a sustainable and co-ordinated way;
- seek to protect soils from damage such as erosion or compaction;
- protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- seek benefits for **biodiversity** from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats; and
- support opportunities for enjoying and learning about the natural environment.

Key Documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁷⁸
- [The 2020 Challenge for Scotland’s Biodiversity](#)⁷⁹
- [European Landscape Convention](#)⁸⁰
- [Nature Conservation \(Scotland\) Act 2004](#)⁸¹
- [The Conservation \(Natural Habitats etc\) Regulations](#)⁸²
- [The Wildlife and Countryside Act 1981](#)⁸³

⁷⁸ www.scotland.gov.uk/Topics/Environment/Countryside/Landusestrategy

⁷⁹ www.scotland.gov.uk/Publications/2013/06/5538

⁸⁰ www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp

⁸¹ www.legislation.gov.uk/asp/2004/6/contents

⁸² www.legislation.gov.uk/uksi/1994/2716/contents/made

⁸³ www.legislation.gov.uk/ukpga/1981/69

- [EU Birds Directive – 2009/147/EC](#)⁸⁴
- [EU Habitats Directive – 92/43/EEC](#)⁸⁵
- [Ramsar Convention on Wetlands of International Importance](#)⁸⁶
- [National Parks \(Scotland\) Act 2000](#)⁸⁷
- [River Basin Management Plans](#)⁸⁸

Delivery

195. Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of **biodiversity**. This duty must be reflected in development plans and development management decisions. They also have a duty under the Water Environment and Water Services (Scotland) Act 2003 to protect and improve Scotland's water environment. The Scottish Government expects public bodies to apply the Principles for Sustainable Land Use, as set out in the Land Use Strategy, when taking significant decisions affecting the use of land.

Development Plans

196. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations.

197. Planning authorities are encouraged to limit non-statutory local designations to areas designated for their local landscape or nature conservation value:

- the purpose of areas of local landscape value should be to:
 - safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally; or
 - promote understanding and awareness of the distinctive character and special qualities of local landscapes; or
 - safeguard and promote important local settings for outdoor recreation and tourism.
- local nature conservation sites should seek to accommodate the following factors:
 - species diversity, species or habitat rarity, naturalness and extent of habitat;
 - contribution to national and local **biodiversity** objectives;
 - potential contribution to the protection or enhancement of connectivity between habitats or the development of **green networks**; and
 - potential to facilitate enjoyment and understanding of natural heritage.

84 ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm

85 ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

86 www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0

87 www.legislation.gov.uk/asp/2000/10/contents

88 www.sepa.org.uk/water/river_basin_planning.aspx

198. Local nature conservation sites designated for their geodiversity should be selected for their value for scientific study and education, their historical significance and cultural and aesthetic value, and for their potential to promote public awareness and enjoyment.

199. Plans should address the potential effects of development on the natural environment, including proposals for [major-accident hazard sites](#) and the cumulative effects of incremental changes. They should consider the natural and cultural components together, and promote opportunities for the enhancement of degraded landscapes, particularly where this helps to restore or strengthen the natural processes which underpin the well-being and resilience of communities.

200. Wild land character is displayed in some of Scotland's remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas.

201. Plans should identify woodlands of high nature conservation value and include policies for protecting them and enhancing their condition and resilience to climate change. Forestry Commission Scotland's [Native Woodland Survey of Scotland](#)⁸⁹ provides information and guidance. Planning authorities should consider preparing forestry and woodland strategies as supplementary guidance to inform the development of forestry and woodland in their area, including the expansion of woodland of a range of types to provide multiple benefits. Scottish Government advice on planning for forestry and woodlands is set out in [The Right Tree in the Right Place](#)⁹⁰.

Development Management

202. The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

203. Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

204. Planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

205. Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

89 www.forestry.gov.uk/nwss

90 [www.forestry.gov.uk/pdf/fcfc129.pdf/\\$file/fcfc129.pdf](http://www.forestry.gov.uk/pdf/fcfc129.pdf/$file/fcfc129.pdf)

206. Where non-native species are present on site, or where planting is planned as part of a development, developers should take into account the provisions of the Wildlife and Countryside Act 1981 relating to non-native species.

International Designations

Natura 2000 Sites

207. Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any development plan or proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an “appropriate assessment” of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an “appropriate assessment” that there will be no adverse effect on the integrity of the site.

208. A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

209. If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

210. Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

Ramsar Sites

211. All [Ramsar sites](#) are also Natura 2000 sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

National Designations

212. Development that affects a National Park, [National Scenic Area](#), [Site of Special Scientific Interest](#) or a [National Nature Reserve](#) should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

213. Planning decisions for development within National Parks must be consistent with paragraphs 84-85.

Protected Species

214. The presence (or potential presence) of a legally protected species is an important consideration in decisions on planning applications. If there is evidence to suggest that a protected species is present on site or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application. Certain activities – for example those involving European Protected Species as specified in the Conservation (Natural Habitats, &c.) Regulations 1994 and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981 – may only be undertaken under licence. Following the introduction of the Wildlife and Natural Environment (Scotland) Act 2011, Scottish Natural Heritage is now responsible for the majority of wildlife licensing in Scotland.

Areas of Wild Land

215. In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

Woodland

216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. [Tree Preservation Orders](#)⁹¹ can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

217. Where appropriate, planning authorities should seek opportunities to create new woodland and plant native trees in association with development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network (see also the section on green infrastructure).

218. The Scottish Government's [Control of Woodland Removal Policy](#)⁹² includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications.

91 www.scotland.gov.uk/Publications/2011/01/28152314/0

92 www.forestry.gov.uk/pdf/fcfc125.pdf/%24FILE/fcfc125.pdf

Maximising the Benefits of Green Infrastructure

NPF Context

219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. [Green infrastructure](#) and improved access to [open space](#) can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.

Policy Principles

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.

221. The planning system should:

- consider green infrastructure as an integral element of places from the outset of the planning process;
- assess current and future needs and opportunities for green infrastructure to provide multiple benefits;
- facilitate the provision and long-term, integrated management of green infrastructure and prevent fragmentation; and
- provide for easy and safe access to and within green infrastructure, including core paths and other important routes, within the context of statutory access rights under the Land Reform (Scotland) Act 2003.

Key Documents

- [Green Infrastructure: Design and Placemaking](#)⁹³
- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁹⁴
- [Planning Advice Note 65: Planning and Open Space](#)⁹⁵
- [Reaching Higher – Scotland’s National Strategy for Sport](#)⁹⁶
- [The Play Strategy for Scotland and Action Plan](#)⁹⁷
- [Let’s Get Scotland Walking: The National Walking Strategy](#)⁹⁸

Delivery

Development Planning

222. Development plans should be based on a holistic, integrated and cross-sectoral approach to green infrastructure. They should be informed by relevant, up-to-date audits, strategies and action plans covering green infrastructure’s multiple functions, for example open space, playing fields, pitches, outdoor access, core paths, active travel strategies, the historic environment, [biodiversity](#), forestry and woodland, river basins, flood management, coastal zones and the marine environment.

93 www.scotland.gov.uk/Publications/2011/11/04140525/0

94 www.scotland.gov.uk/Publications/2011/03/17091927/0

95 www.scotland.gov.uk/Publications/2008/05/30100623/0

96 www.scotland.gov.uk/Topics/ArtsCultureSport/Sport/NationalStrategies/Sport-21

97 www.scotland.gov.uk/Publications/2013/10/9424

98 www.scotland.gov.uk/Publications/2014/06/5743

Plans should promote consistency with these and reflect their priorities and spatial implications.

223. Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities.

224. Local development plans should identify and protect open space identified in the open space audit and strategy as valued and functional or capable of being brought into use to meet local needs.

225. Local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. They should do this through a design-led approach, applying standards which facilitate appropriate provision, addressing deficits or surpluses within the local context. The standards delivered through a design-led approach should result in a proposal that is appropriate to place, including connections to other green infrastructure assets. Supplementary guidance or master plans may be used to achieve this.

226. Local development plans should identify sites for new indoor or outdoor sports, recreation or play facilities where a need has been identified in a local facility strategy, playing field strategy or similar document. They should provide for good quality, accessible facilities in sufficient quantity to satisfy current and likely future community demand. [Outdoor sports facilities](#) should be safeguarded from development except where:

- the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- the relevant strategy (see paragraph 224) and consultation with **sportscotland** show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision.

227. Local development plans should safeguard existing and potential allotment sites to ensure that local authorities meet their statutory duty to provide allotments where there is proven demand. Plans should also encourage opportunities for a range of community growing spaces.

228. Local development plans should safeguard access rights and core paths, and encourage new and enhanced opportunities for access linked to wider networks.

229. Local development plans should encourage the temporary use of unused or underused land as green infrastructure while making clear that this will not prevent any future development potential which has been identified from being realised. This type of greening may provide the advance structure planting to create the landscape framework for any future development.

Development Management

230. Development of land allocated as green infrastructure for an unrelated purpose should have a strong justification. This should be based on evidence from relevant audits and strategies that the proposal will not result in a deficit of that type of provision within the local area and that alternative sites have been considered. Poor maintenance and neglect should not be used as a justification for development for other purposes.

231. Development proposals that would result in or exacerbate a deficit of green infrastructure should include provision to remedy that deficit with accessible infrastructure of an appropriate type, quantity and quality.

232. In the design of green infrastructure, consideration should be given to the qualities of successful places. Green infrastructure should be treated as an integral element in how the proposal responds to local circumstances, including being well-integrated into the overall design layout and multi-functional. Arrangements for the long-term management and maintenance of green infrastructure, and associated water features, including common facilities, should be incorporated into any planning permission.

233. Proposals that affect regional and country parks must have regard to their statutory purpose of providing recreational access to the countryside close to centres of population, and should take account of their wider objectives as set out in their management plans and strategies.

Promoting Responsible Extraction of Resources

NPF Context

234. Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.

Policy Principles

235. The planning system should:

- recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;
- safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
- minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- secure the sustainable restoration of sites to beneficial afteruse after working has ceased.

Key Documents

- [Electricity Generation Policy Statement](#)⁹⁹
- [Management of Extractive Waste \(Scotland\) Regulations 2010](#)¹⁰⁰
- [PAN 50: Controlling the Environmental Effects of Surface Mineral Workings](#)¹⁰¹
- [Planning Advice Note 64: Reclamation of Surface Mineral Workings](#)¹⁰²
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosive Storage Areas](#)¹⁰³
- [Circular 34/1996: Environment Act 1995 Section 96](#)¹⁰⁴

Delivery

Development Planning

236. Strategic development plans should ensure that adequate supplies of construction aggregates can be made available from within the plan area to meet the likely development needs of the city region over the plan period.

237. Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:

- disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
- impacts on local communities, individual houses, [sensitive receptors](#) and economic sectors important to the local economy;
- benefits to the local and national economy;
- [cumulative impact](#) with other mineral and landfill sites in the area;
- effects on natural heritage, habitats and the historic environment;
- landscape and visual impacts, including cumulative effects;
- transport impacts; and
- restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).

238. Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.

99 www.scotland.gov.uk/Publications/2013/06/5757

100 www.legislation.gov.uk/ssi/2010/60/contents/made

101 www.scotland.gov.uk/Publications/1996/10/17729/23424

102 www.scotland.gov.uk/Publications/2003/01/16122/16256

103 www.scotland.gov.uk/Publications/2003/01/16204/17030

104 www.scotland.gov.uk/Publications/1996/11/circular-34-1996-root/circular-34-1996-guidance

239. Local development plans should identify areas of search where surface coal extraction is most likely to be acceptable during the plan period and set out the preferred programme for the development of other safeguarded areas beyond the plan period, with particular emphasis on protecting local communities from significant cumulative impacts. Where possible, plans should secure extraction prior to permanent development above workable coal reserves.

240. For areas covered by a Petroleum Exploration and Development Licence (PEDL), local development plans should also:

- identify licence areas;
- encourage operators to be as clear as possible about the minimum and maximum extent of operations (e.g. number of wells and duration) at the exploration phase whilst recognising that the factors to be addressed by applications should be relevant and proportionate to the appropriate exploration, appraisal and production phases of operations;
- confirm that applicants should engage with local communities, residents and other stakeholders at each stage of operations, beginning in advance of any application for planning permission and in advance of any operations;
- ensure that when developing proposals, applicants should consider, where possible, transport of the end product by pipeline, rail or water rather than road; and
- provide a consistent approach to extraction where licences extend across local authority boundaries.

241. Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.

Development Management

242. Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided.

243. Borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries; they are time-limited; tied to a particular project and appropriate reclamation measures are in place.

244. Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction. Site boundaries within 500 metres of the edge of settlements will only be environmentally acceptable where local circumstances, such as the removal of dereliction, small-scale prior extraction or the stabilisation of mining legacy, justify a lesser distance. Non-engineering works and mitigation measures within 500 metres may be acceptable.

245. To assist planning authorities with their consideration of impacts on local communities, neighbouring uses and the environment, applicants should undertake a risk assessment for all proposals for shale gas and coal bed methane extraction. The assessment can, where appropriate, be undertaken as part of any environmental impact assessment and should also be developed in consultation with statutory consultees and local communities so that it informs the design of the proposal. The assessment should clearly identify those onsite activities (i.e. emission of pollutants, the creation and disposal of waste) that pose a potential risk using a source–pathway–receptor model and explain how measures, including those under environmental and other legislation, will be used to monitor, manage and mitigate any identified risks to health, amenity and the environment. The evidence from, and outcome of, the assessment should lead to buffer zones being proposed in the application which will protect all **sensitive receptors** from unacceptable risks. When considering applications, planning authorities and statutory consultees must assess the distances proposed by the applicant. Where proposed distances are considered inadequate the Scottish Government expects planning permission to be refused.

246. Conditions should be drafted in a way which ensures that hydraulic fracturing does not take place where permission for such operations is not sought and that any subsequent application to do so is subject to appropriate consultation. If such operations are subsequently proposed, they should, as a matter of planning policy, be regarded as a substantial change in the description of the development for which planning permission is sought or a material variation to the existing planning permission. Where PEDL and Underground Coal licences are granted for the same or overlapping areas, consideration should be given to the most efficient sequencing of extraction.

247. The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.

248. Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.

Supporting Aquaculture

NPF Context

249. Aquaculture makes a significant contribution to the Scottish economy, particularly for coastal and island communities. Planning can help facilitate sustainable aquaculture whilst protecting and maintaining the ecosystem upon which it depends. Planning can play a role in supporting the sectoral growth targets to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, sustainably to 13,000 tonnes with due regard to the marine environment by 2020.

Policy Principles

250. The planning system should:

- play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;
- guide development to coastal locations that best suit industry needs with due regard to the marine environment;
- maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

Key Documents

- National Marine Plan

Delivery

Development Planning

251. Local development plans should make positive provision for aquaculture developments. Plans, or supplementary guidance, should take account of Marine Scotland's locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:

- impacts on, and benefits for, local communities;
- economic benefits of the sustainable development of the aquaculture industry;
- landscape, seascape and visual impact;
- biological carrying capacity;
- effects on coastal and marine species (including wild salmonids) and habitats;
- impacts on the historic environment and the sea or loch bed;
- interaction with other users of the marine environment (including commercial fisheries, Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism, recreational and leisure activities); and
- cumulative effects on all of the above factors.

Development Management

252. Applications should be supported, where necessary, by sufficient information to demonstrate:

- operational arrangements (including noise, light, access, waste and odour) are satisfactory and sufficient mitigation plans are in place; and
- the siting and design of cages, lines and associated facilities are appropriate for the location. This should be done through the provision of information on the extent of the site; the type, number and physical scale of structures; the distribution of the structures across the planning area; on-shore facilities; and ancillary equipment.

253. Any land-based facilities required for the proposal should, where possible, be considered at the same time. The planning system should not duplicate other control regimes such as controlled activities regulation licences from SEPA or fish health, sea lice and containment regulation by Marine Scotland.

Managing Flood Risk and Drainage

NPF Context

254. NPF3 supports a catchment-scale approach to sustainable flood risk management. The spatial strategy aims to build the resilience of our cities and towns, encourage sustainable land management in our rural areas, and to address the long-term vulnerability of parts of our coasts and islands. Flooding can impact on people and businesses. Climate change will increase the risk of flooding in some parts of the country. Planning can play an important part in reducing the vulnerability of existing and future development to flooding.

Policy Principles

255. The planning system should promote:

- a precautionary approach to **flood risk** from all sources, including coastal, water course (fluvial), surface water (**pluvial**), groundwater, reservoirs and drainage systems (sewers and culverts), taking account of the predicted effects of climate change;
- **flood** avoidance: by safeguarding flood storage and conveying capacity, and locating development away from **functional flood plains** and medium to high risk areas;
- flood reduction: assessing flood risk and, where appropriate, undertaking natural and structural flood management measures, including flood protection, restoring natural features and characteristics, enhancing flood storage capacity, avoiding the construction of new culverts and opening existing culverts where possible; and
- avoidance of increased surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

256. To achieve this the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain should be avoided given the cumulative effects of reducing storage capacity.

257. Alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect on the storage capacity of the functional floodplain or local flooding problems.

Key Documents

- [Flood Risk Management \(Scotland\) Act 2009](#)¹⁰⁵
- Updated Planning Advice Note on Flooding
- [Delivering Sustainable Flood Risk Management](#)¹⁰⁶ (Scottish Government, 2011).
- [Surface Water Management Planning Guidance](#)¹⁰⁷ (Scottish Government, 2013).

Delivery

258. Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.

259. Developers should take into account flood risk and the ability of future occupiers to insure development before committing themselves to a site or project, as applicants and occupiers have ultimate responsibility for safeguarding their property.

Development Planning

260. Plans should use [strategic flood risk assessment](#) (SFRA) to inform choices about the location of development and policies for flood risk management. They should have regard to the flood maps prepared by Scottish Environment Protection Agency (SEPA), and take account of finalised and approved Flood Risk Management Strategies and Plans and River Basin Management Plans.

261. Strategic and local development plans should address any significant cross boundary flooding issues. This may include identifying major areas of the [flood plain](#) and storage capacity which should be protected from inappropriate development, major flood protection scheme requirements or proposals, and relevant drainage capacity issues.

262. Local development plans should protect land with the potential to contribute to managing flood risk, for instance through natural flood management, managed coastal realignment, [washland](#) or green infrastructure creation, or as part of a scheme to manage flood risk.

263. Local development plans should use the following flood risk framework to guide development. This sets out three categories of coastal and watercourse flood risk, together with guidance on surface water flooding, and the appropriate planning approach for each (the annual probabilities referred to in the framework relate to the land at the time a plan is being prepared or a planning application is made):

- **Little or No Risk** – annual probability of coastal or [watercourse](#) flooding is less than 0.1% (1:1000 years)
 - No constraints due to coastal or watercourse flooding.

¹⁰⁵ www.legislation.gov.uk/asp/2009/6/contents

¹⁰⁶ www.scotland.gov.uk/Publications/2011/06/15150211/0

¹⁰⁷ <http://www.scotland.gov.uk/Publications/2013/02/7909/0>

- **Low to Medium Risk** – annual probability of coastal or watercourse flooding is between 0.1% and 0.5% (1:1000 to 1:200 years)
 - Suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for **essential infrastructure** and the **most vulnerable uses**. Water resistant materials and construction may be required.
 - Generally not suitable for **civil infrastructure**. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events.
- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
 - May be suitable for:
 - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
 - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
 - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
 - job-related accommodation, e.g. for caretakers or operational staff.
 - Generally not suitable for:
 - civil infrastructure and the most vulnerable uses;
 - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
 - new caravan and camping sites.
 - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
 - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Surface Water Flooding

- Infrastructure and buildings should generally be designed to be free from surface water flooding in rainfall events where the annual probability of occurrence is greater than 0.5% (1:200 years).
- Surface water drainage measures should have a neutral or better effect on the risk of flooding both on and off the site, taking account of rain falling on the site and run-off from adjacent areas.

Development Management

264. It is not possible to plan for development solely according to the calculated probability of flooding. In applying the risk framework to proposed development, the following should therefore be taken into account:

- the characteristics of the site;
- the design and use of the proposed development;
- the size of the area likely to flood;
- depth of flood water, likely flow rate and path, and rate of rise and duration;
- the vulnerability and risk of wave action for coastal sites;
- committed and existing flood protection methods: extent, standard and maintenance regime;
- the effects of climate change, including an [allowance for freeboard](#);
- surface water run-off from adjoining land;
- culverted watercourses, drains and field drainage;
- cumulative effects, especially the loss of storage capacity;
- cross-boundary effects and the need for consultation with adjacent authorities;
- effects of flood on access including by emergency services; and
- effects of flood on proposed open spaces including gardens.

265. Land raising should only be considered in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area. Compensatory storage may be required.

266. The flood risk framework set out above should be applied to development management decisions. Flood Risk Assessments (FRA) should be required for development in the medium to high category of flood risk, and may be required in the low to medium category in the circumstances described in the framework above, or where other factors indicate heightened risk. FRA will generally be required for applications within areas identified at high or medium likelihood of flooding/flood risk in SEPA's flood maps.

267. Drainage Assessments, proportionate to the development proposal and covering both surface and foul water, will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

268. Proposed arrangements for SuDS should be adequate for the development and appropriate long-term maintenance arrangements should be put in place.

A Connected Place

Promoting Sustainable Transport and Active Travel

NPF Context

269. The spatial strategy set out in NPF3 is complemented by an ongoing programme of investment in transport infrastructure. The economy relies on efficient transport connections, within Scotland and to international markets. Planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.

Policy Principles

270. The planning system should support patterns of development which:

- optimise the use of existing infrastructure;
- reduce the need to travel;
- provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport;
- enable the integration of transport modes; and
- facilitate freight movement by rail or water.

271. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety.

Key Documents

- [National Transport Strategy](#)¹⁰⁸
- [Climate Change \(Scotland\) Act 2009](#)¹⁰⁹
- [Low Carbon Scotland: Meeting the Emissions Reduction Targets 2013-2027](#)¹¹⁰
- [Infrastructure Investment Plan](#)¹¹¹
- [Strategic Transport Projects Review](#)¹¹²
- [Transport Assessment Guidance](#)¹¹³
- [Development Planning and Management Transport Appraisal Guidance \(DPMTAG\)](#)¹¹⁴
- [PAN 66: Best Practice in Handling Applications Affecting Trunk Roads](#)¹¹⁵

108 www.scotland.gov.uk/Publications/2006/12/04104414/0

109 www.legislation.gov.uk/asp/2009/12/contents

110 www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/lowcarbon/meetingthetargets

111 www.scotland.gov.uk/Publications/2011/12/05141922/0

112 www.transportscotland.gov.uk/strategic-transport-projects-review

113 www.transportscotland.gov.uk/system/files/documents/tsc-basic-pages/Planning_Reform_-_DPMTAG_-_Development_Management_DPMTAG_Ref_17_-_Transport_Assessment_Guidance_FINAL_-_June_2012.pdf

114 www.transportscotland.gov.uk/development-planning-and-management-transport-appraisal-guidance-dpmtag

115 www.scotland.gov.uk/Resource/Doc/47021/0026434.pdf

- [Design Manual for Roads and Bridges](#)¹¹⁶
- [Designing Streets](#)¹¹⁷
- [Roads for All](#)¹¹⁸
- [Cycling Action Plan in Scotland](#)¹¹⁹ (CAPS)
- [Let's Get Scotland Walking: The National Walking Strategy](#)¹²⁰
- [A More Active Scotland – Building a Legacy from the Commonwealth Games](#)¹²¹
- [Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles](#)¹²²
- [Tourism Development Framework for Scotland](#)¹²³

Delivery

Development Planning

272. Development plans should take account of the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.

273. The spatial strategies set out in plans should support development in locations that allow walkable access to local amenities and are also accessible by cycling and public transport. Plans should identify active travel networks and promote opportunities for travel by more sustainable modes in the following order of priority: walking, cycling, public transport, cars. The aim is to promote development which maximises the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars. Plans should facilitate integration between transport modes.

274. In preparing development plans, planning authorities are expected to appraise the impact of the spatial strategy and its reasonable alternatives on the transport network, in line with Transport Scotland's DPMTAG guidance. This should include consideration of previously allocated sites, transport opportunities and constraints, current capacity and committed improvements to the transport network. Planning authorities should ensure that a transport appraisal is undertaken at a scale and level of detail proportionate to the nature of the issues and proposals being considered, including funding requirements. Appraisals should be carried out in time to inform the spatial strategy and the strategic environmental assessment. Where there are potential issues for the [strategic transport network](#), the appraisal should be discussed with Transport Scotland at the earliest opportunity.

116 www.dft.gov.uk/ha/standards/dmr/index.htm

117 www.scotland.gov.uk/Publications/2010/03/22120652/0

118 <http://www.transportscotland.gov.uk/guides/j256264-00.htm>

116 www.transportscotland.gov.uk/strategy-and-research/publications-and-consultations/cycling-action-plan-2013

120 www.scotland.gov.uk/Publications/2014/06/5743

121 www.scotland.gov.uk/Publications/2014/02/8239/0

122 www.transportscotland.gov.uk/report/j272736-00.htm

123 www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf

275. Development plans should identify any required new transport infrastructure or public transport services, including cycle and pedestrian routes, trunk road and rail infrastructure. The deliverability of this infrastructure, and by whom it will be delivered, should be key considerations in identifying the preferred and alternative land use strategies. Plans and associated documents, such as supplementary guidance and the action programme, should indicate how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made. These should be prepared in consultation with all of the parties responsible for approving and delivering the infrastructure. Development plans should support the provision of infrastructure necessary to support positive changes in transport technologies, such as charging points for electric vehicles.

276. Where public transport services required to serve a new development cannot be provided commercially, a contribution from the developer towards an agreed level of service may be appropriate. The development plan action programme should set out how this will be delivered, and the planning authority should coordinate discussions with the public transport provider, developer, Transport Scotland where appropriate, and relevant regional transport partnerships at an early stage in the process. In rural areas the plan should be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small-scale park and ride facilities at nodes on rural bus corridors should be considered.

277. Disused railway lines with a reasonable prospect of being reused as rail, tram, bus rapid transit or active travel routes should be safeguarded in development plans. The strategic case for a new station should emerge from a complete and robust multimodal transport appraisal in line with Scottish Transport Appraisal Guidance. Any appraisal should include consideration of making best use of current rail services; and should demonstrate that the needs of local communities, workers or visitors are sufficient to generate a high level of demand, and that there would be no adverse impact on the operation of the rail service franchise. Funding partners must be identified. Agreement should be reached with Transport Scotland and Network Rail before rail proposals are included in a development plan or planning application and it should be noted that further technical assessment and design work will be required before any proposed new station can be confirmed as viable.

278. While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered where the planning authority considers that significant economic growth or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with DMRB and where there would be no adverse impact on road safety or operational performance.

279. Significant travel-generating uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. New development areas should be served by public transport providing access to a range of destinations. Development plans should indicate when a travel plan will be required to accompany a proposal for a development which will generate significant travel.

280. Along with sound choices on the location of new development, appropriate street layout and design are key to achieving the policy principles at paragraph 270. The design of all new development should follow the placemaking approach set out in this SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

281. National maximum parking standards for certain types and scales of development have been set to promote consistency (see [Annex B: Parking Policies and Standards](#)). Where an area is well served by sustainable transport modes, planning authorities may set more restrictive standards, and where public transport provision is limited, planning authorities may set less restrictive standards. Local authorities should also take account of relevant town centre strategies when considering appropriate parking provision (see paragraphs 64-65 and [Annex A: Town Centre Health Checks and Strategies](#)).

282. When preparing development plans, planning authorities should consider the need for improved and additional freight transfer facilities. Strategic freight sites should be safeguarded in development plans. Existing roadside facilities and provision for lorry parking should be safeguarded and, where required, development plans should make additional provision for the overnight parking of lorries at appropriate locations on routes with a high volume of lorry traffic. Where appropriate, development plans should also identify suitable locations for new or expanded rail freight interchanges to support increased movement of freight by rail. Facilities allowing the transfer of freight from road to rail or water should also be considered.

283. Planning authorities and port operators should work together to address the planning and transport needs of ports and opportunities for rail access should be safeguarded in development plans. Planning authorities should ensure that there is appropriate road access to ferry terminals for cars and freight, and support the provision of bus and train interchange facilities.

284. Planning authorities, airport operators and other stakeholders should work together to prepare airport masterplans and address other planning and transport issues relating to airports. Relevant issues include public safety zone safeguarding, surface transport access for supplies, air freight, staff and passengers, related on- and off-site development such as transport interchanges, offices, hotels, car parks, warehousing and distribution services, and other development benefiting from good access to the airport.

285. Canals, which are scheduled monuments, should be safeguarded as assets which can contribute to sustainable economic growth through sensitive development and regeneration. Consideration should be given to planning for new uses for canals, where appropriate.

Development Management

286. Where a new development or a change of use is likely to generate a significant increase in the number of trips, a transport assessment should be carried out. This should identify any potential [cumulative effects](#) which need to be addressed.

287. Planning permission should not be granted for significant travel-generating uses at locations which would increase reliance on the car and where:

- direct links to local facilities via walking and cycling networks are not available or cannot be made available;
- access to local facilities via public transport networks would involve walking more than 400m; or
- the transport assessment does not identify satisfactory ways of meeting sustainable transport requirements.

Guidance is available in [Transport Assessment and Implementation: A Guide](#)¹²⁴

¹²⁴ www.scotland.gov.uk/Publications/2005/08/1792325/23264

288. Buildings and facilities should be accessible by foot and bicycle and have appropriate operational and servicing access for large vehicles. Cycle routes, cycle parking and storage should be safeguarded and enhanced wherever possible.

289. Consideration should be given to how proposed development will contribute to fulfilling the objectives of Switched On Scotland – A Roadmap to Widespread Adoption of Plug-in Vehicles. Electric vehicle charge points should always be considered as part of any new development and provided where appropriate.

290. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

291. Consideration should be given to appropriate planning restrictions on construction and operation related transport modes when granting planning permission, especially where bulk material movements are expected, for example freight from extraction operations.

Supporting Digital Connectivity

NPF Context

292. NPF3 highlights the importance of our digital infrastructure, across towns and cities, and in particular our more remote rural and island areas. Our economy and social networks depend heavily on high-quality digital infrastructure. To facilitate investment across Scotland, planning has an important role to play in strengthening digital communications capacity and coverage across Scotland.

Policy Principles

293. The planning system should support:

- development which helps deliver the Scottish Government’s commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Key Documents

- [Scotland’s Digital Future](#)¹²⁵ and associated [Infrastructure Action Plan](#)¹²⁶
- [Scotland’s Cities: Delivering for Scotland](#)¹²⁷
- [A National Telehealth and Telecare Delivery Plan for Scotland to 2015](#)¹²⁸

¹²⁵ www.scotland.gov.uk/Resource/Doc/981/0114237.pdf

¹²⁶ www.scotland.gov.uk/Publications/2012/01/1487

¹²⁷ www.scotland.gov.uk/Publications/2012/01/05104741/0

¹²⁸ www.scotland.gov.uk/Resource/0041/00411586.pdf

- [Planning Advice Note 62, Radio Telecommunications provides advice on siting and design](#)¹²⁹
- [Circular 2/2003: Safeguarding of Aerodromes, Technical Sites and Military Explosives Storage Areas](#)¹³⁰

Delivery

Development Planning

294. Local development plans should reflect the infrastructure roll-out plans of digital communications operators, community groups and others, such as the Scottish Government, the UK Government and local authorities.

295. Local development plans should provide a consistent basis for decision-making by setting out the criteria which will be applied when determining planning applications for communications equipment. They should ensure that the following options are considered when selecting sites and designing base stations:

- mast or site sharing;
- installation on buildings or other existing structures;
- installing the smallest suitable equipment, commensurate with technological requirements;
- concealing or disguising masts, antennas, equipment housing and cable runs using design and camouflage techniques where appropriate; and
- installation of ground-based masts.

296. Local development plans should set out the matters to be addressed in planning applications for specific developments, including:

- an explanation of how the proposed equipment fits into the wider network;
- a description of the siting options (primarily for new sites) and design options which satisfy operational requirements, alternatives considered, and the reasons for the chosen solution;
- details of the design, including height, materials and all components of the proposal;
- details of any proposed landscaping and screen planting, where appropriate;
- an assessment of the cumulative effects of the proposed development in combination with existing equipment in the area;
- a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation¹³¹; and
- an assessment of visual impact, if relevant.

297. Policies should encourage developers to explore opportunities for the provision of digital infrastructure to new homes and business premises as an integral part of development. This should be done in consultation with service providers so that appropriate, universal and future-proofed infrastructure is installed and utilised.

¹²⁹ www.scotland.gov.uk/Publications/2001/09/pan62/pan62-

¹³⁰ www.scotland.gov.uk/Publications/2003/01/16204/17030

¹³¹ The radiofrequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection, as expressed in EU Council recommendation 1999/519/ EC on the limitation of exposure of the general public to electromagnetic fields.

Development Management

298. Consideration should be given to how proposals for infrastructure to deliver new services or infrastructure to improve existing services will contribute to fulfilling the objectives for digital connectivity set out in the Scottish Government's World Class 2020 document. For developments that will deliver entirely new connectivity – for example, mobile connectivity in a “not spot” – consideration should be given to the benefits of this connectivity for communities and the local economy.

299. All components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Developments should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account.

300. Planning authorities should not question the need for the service to be provided nor seek to prevent competition between operators. The planning system should not be used to secure objectives that are more properly achieved under other legislation. Emissions of radiofrequency radiation are controlled and regulated under other legislation and it is therefore not necessary for planning authorities to treat radiofrequency radiation as a material consideration.

Annex A – Town Centre Health Checks and Strategies

Town centre health checks should cover a range of indicators, such as:

Activities

- retailer representation and intentions (multiples and independents);
- employment;
- cultural and social activity;
- community activity;
- leisure and tourism facilities;
- resident population; and
- evening/night-time economy.

Physical environment

- space in use for the range of town centre functions and how it has changed;
- physical structure of the centre, condition and appearance including constraints and opportunities and assets;
- historic environment; and
- public realm and green infrastructure.

Property

- vacancy rates, particularly at street level in prime retail areas;
- vacant sites;
- committed developments;
- commercial yield; and
- prime rental values.

Accessibility

- pedestrian footfall;
- accessibility;
- cycling facilities and ease of movement;
- public transport infrastructure and facilities;
- parking offer; and
- signage and ease of navigation.

Community

- attitudes, perceptions and aspirations.

Town centre strategies should:

- be prepared collaboratively with community planning partners, businesses and the local community;
- recognise the changing roles of town centres and networks, and the effect of trends in consumer activity;
- establish an agreed long-term vision for the town centre;
- seek to maintain and improve accessibility to and within the town centre;
- seek to reduce the centre's environmental footprint, through, for example, the development or extension of sustainable urban drainage or district heating networks;
- identify how green infrastructure can enhance air quality, open space, landscape/settings, reduce urban heat island effects, increase capacity of drainage systems, and attenuate noise;
- indicate the potential for change through redevelopment, renewal, alternative uses and diversification based on an analysis of the role and function of the centre;
- promote opportunities for new development, using master planning and design, while seeking to safeguard and enhance built and natural heritage;
- consider constraints such as fragmented site ownership, unit size and funding availability, and recognise the rapidly changing nature of retail formats;
- identify actions, tools and delivery mechanisms to overcome these constraints, for example improved management, Town Teams, Business Improvement Districts or the use of [compulsory purchase powers](#)¹³²; and
- include monitoring against the baseline provided by the health check to assess the extent to which it has delivered improvements.

More detailed advice on town centre health checks and strategies can be found in the Town Centre Masterplanning Toolkit.

132 www.scotland.gov.uk/Topics/archive/National-Planning-Policy/themes/ComPur

Annex B – Parking Policies and Standards

Parking Restraint Policy – National Maximum Parking Standards for New Development

In order to achieve consistency in the levels of parking provision for specific types and scales of development, the following national standards have been set:

- retail (food) (Use Class 1) 1000m² and above – up to 1 space per 14m²;
- retail (non-food) (Use Class 1) 1000m² and above – up to 1 space per 20m²;
- business (Use Class 4) 2500m² and above – up to 1 space per 30m²;
- cinemas (Use Class 11a) 1000m² and above – up to 1 space per 5 seats;
- conference facilities 1000m² and above – up to 1 space per 5 seats;
- stadia 1500 seats and above – up to 1 space per 15 seats;
- leisure (other than cinemas and stadia) 1000m² and above – up to 1 space per 22m²; and
- higher and further education (non-residential elements) 2500m² and above – up to 1 space per 2 staff plus 1 space per 15 students.

Local standards should support the viability of town centres. Developers of individual sites within town centres may be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

Parking for Disabled People – Minimum Provision Standards for New Development

Specific provision should be made for parking for disabled people in addition to general provision. In retail, recreation and leisure developments, the minimum number of car parking spaces for disabled people should be:

- 3 spaces or 6% (whichever is greater) in car parks with up to 200 spaces; or
- 4 spaces plus 4% in car parks with more than 200 spaces.

Employers have a duty under employment law to consider the disabilities of their employees and visitors to their premises. The minimum number of car parking spaces for disabled people at places of employment should be:

- 1 space per disabled employee plus 2 spaces or 5% (whichever is greater) in car parks with up to 200 spaces; or
- 6 spaces plus 2% in car parks with more than 200 spaces.

Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Ecosystems services	The benefits people obtain from ecosystems; these include provisioning services such as food, water, timber and fibre; regulating services that affect climate, floods, disease, waste and water quality; cultural services with recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis and nutrient cycling.
Effective housing land supply	The part of the established housing land supply which is free or expected to be free of development constraints in the period under consideration and will therefore be available for the construction of housing.
Energy Centre	A stand alone building or part of an existing or proposed building where heat or combined heat and electricity generating plant can be installed to service a district network.
Essential infrastructure (in a flood risk area for operational reasons)	Defined in SEPA guidance on vulnerability as ‘essential transport infrastructure and essential utility infrastructure which may have to be located in a flood risk area for operational reasons. This includes electricity generating stations, power stations and grid and primary sub stations, water treatments works and sewage treatment works and wind turbines’.
Flood	The temporary covering by water from any source of land not normally covered by water, but not including the overflow of a sewage system.
Flood plain	The generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures. The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also ‘Functional flood plain’.
Flood risk	The combination of the probability of a flood and the potential adverse consequences associated with a flood, for human health, the environment, cultural heritage and economic activity.
Freeboard allowance	A height added to the predicted level of a flood to take account of the height of waves or turbulence and uncertainty in estimating the probability of the flooding.
Functional flood plain	The areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas. For planning purposes the functional floodplain will generally have a greater than 0.5% (1:200) probability of flooding in any year. See also ‘Washland’.
Green infrastructure	Includes the ‘green’ and ‘blue’ (water environment) features of the natural and built environments that can provide benefits without being connected. Green features include parks, woodlands, trees, play spaces, allotments, community growing spaces, outdoor sports facilities, churchyards and cemeteries, swales, hedges, verges and gardens. Blue features include rivers, lochs, wetlands, canals, other water courses, ponds, coastal and marine areas including beaches, porous paving and sustainable urban drainage systems.

Green networks	Connected areas of green infrastructure and open space that together form an integrated and multi-functional network.
Hazardous substances	Substances and quantities as currently specified in and requiring consent under the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993 as amended (due to be replaced in 2015 as part of the implementation of Directive 2012/18/EU).
Historic environment	Scotland's historic environment is the physical evidence for human activity that connects people with place, linked with the associations we can see, feel and understand.
Historic Marine Protected Areas	Areas designated in Scottish territorial waters (0-12 miles) under the Marine (Scotland) Act 2010 for the purpose of preserving marine historic assets of national importance.
Housing supply target	The total number of homes that will be delivered.
Hut	A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m ² ; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.
Major-accident hazard site	Site with or requiring hazardous substances consent.
Most vulnerable uses (in the context of flood risk and drainage)	Basement dwellings, isolated dwellings in sparsely populated areas, dwelling houses behind informal embankments, residential institutions such as residential care homes/prisons, nurseries, children's homes and educational establishments, caravans, mobile homes and park homes intended for permanent residential use, sites used for holiday or short-let caravans and camping, installations requiring hazardous substance consent.
National Nature Reserve (NNR)	An area considered to be of national importance for its nature conservation interests.
National Scenic Area (NSA)	An area which is nationally important for its scenic quality.
Open space	Space within and on the edge of settlements comprising green infrastructure and/or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function. Detailed typologies of open space are included in PAN65.

<p>Outdoor sports facilities</p>	<p>Uses where sportscotland is a statutory consultee under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which establishes ‘outdoor sports facilities’ as land used as:</p> <p>(a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch;</p> <p>(b) an outdoor athletics track;</p> <p>(c) a golf course;</p> <p>(d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and</p> <p>(e) an outdoor bowling green.</p>
<p>Outstanding Universal Value (OUV)</p>	<p>The Operational Guidelines for the Implementation of the World Heritage Convention, provided by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) states that OUV means cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity. The Statement of OUV is the key reference for the future effective protection and management of the World Heritage Site.</p>
<p>PADHI</p>	<p>Planning Advice for Development near Hazardous Installations, issued by the Health and Safety Executive.</p>
<p>Prime agricultural land</p>	<p>Agricultural land identified as being Class 1, 2 or 3.1 in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute).</p>
<p>Place</p>	<p>The environment in which we live; the people that inhabit these spaces; and the quality of life that comes from the interaction of people and their surroundings. Architecture, public space and landscape are central to this.</p>
<p>Pluvial flooding</p>	<p>Flooding as a result of rainfall runoff flowing or ponding over the ground before it enters a natural (e.g. watercourse) or artificial (e.g. sewer) drainage system or when it cannot enter a drainage system (e.g. because the system is already full to capacity or the drainage inlets have a limited capacity).</p>
<p>Ramsar sites</p>	<p>Wetlands designated under the Ramsar Convention on Wetlands of International Importance.</p>
<p>Scheduled monument</p>	<p>Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.</p>
<p>Sensitive receptor</p>	<p>Aspect of the environment likely to be significantly affected by a development, which may include for example, population, fauna, flora, soil, water, air, climatic factors, material assets, landscape and the inter-relationship between these factors.</p> <p>In the context of planning for Zero Waste, sensitive receptors may include aerodromes and military air weapon ranges.</p>

Setting	Is more than the immediate surroundings of a site or building, and may be related to the function or use of a place, or how it was intended to fit into the landscape of townscape, the view from it or how it is seen from areas round about, or areas that are important to the protection of the place, site or building.
Site of Special Scientific Interest (SSSI)	An area which is designated for the special interest of its flora, fauna, geology or geomorphological features.
Strategic Flood Risk Assessment	Provides an overview of flood risk in the area proposed for development. An assessment involves the collection, analysis and presentation of all existing available and readily derivable information on flood risk from all sources. SFRA applies a risk-based approach to identifying land for development and can help inform development plan flood risk policy and supplementary guidance.
Strategic Transport Network	Includes the trunk road and rail networks. Its primary purpose is to provide the safe and efficient movement of strategic long-distance traffic between major centres, although in rural areas it also performs important local functions.
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Brundtland Definition. Our Common Future, The World Commission on Environment and Development, 1987.
Sustainable Economic Growth	Building a dynamic and growing economy that will provide prosperity and opportunities for all, while ensuring that future generations can enjoy a better quality of life too.
Washland	An alternative term for the functional flood plain which carries the connotation that it floods very frequently.
Watercourse	All means of conveying water except a water main or sewer.
Windfall Sites	Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan.



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This document is also available on the Scottish Government Website:
www.scotland.gov.uk

ISBN: 978-1-78412-567-7

Published by the Scottish Government, June 2014

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
DPPAS31655 (06/14)

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8. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

[REDACTED]

[REDACTED]

-----Original Message-----

From: Jane ahlfeld [REDACTED]
Sent: 26 April 2022 18:55
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: Objections to Proposal 22/0090/IC

FAL Carrie Main, Planning Officer

Dear Carrie,

I am a resident of Castle Levanne Estate and wish to register my objection the the Planning Proposal 22/0090/IC This plot of land could be deemed as amenity open space within the estate and I would ask the objection to this proposal be considered under Policy 35 and 36 on pages 42 and 43 of the Local Development Plan.

A response would be appreciated.

Regards

Jane Ahlfeld
4 Dunrobin Drive,
Gourock, PA19 1EB

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Jane Ahlfeld

Address: 4 Dunrobin Drive Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a resident of Castle Levanne Estate and wish to register my objection to the the Planning Proposal 22/0090/IC

This plot of land could be deemed as amenity open space within the estate and I would ask the objection to this proposal be considered under Policy 35 and 36 on pages 42 and 43 of the Local Development Plan.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Ms Deby Aikman

Address: 55 Doune Gardens Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the plan, my deeds state that these are common green spaces and should therefore not be built on ever.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Peter Bennett

Address: 41 Dunvegan Avenue, Gourrock, Inverclyde PA19 1AJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The development of this site should not proceed as careful consideration of the Local Development Plan (LDP), policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal would render it obvious that this space is a feature of the estate which should not be built on.

Furthermore the titles to my property (REN 84600 Title Sheet) states in Burden 1 (2) the following extract - quote "And the areas between the respective dwellinghouses and any road formed ex adverso the same shall remain unbuilt on in all time coming"

Furthermore the site proposed to be developed is on a busy corner where visibility is poor and the users of the Avenue, which is the only access in and out of the entire estate, has increased multiple times with the increased number of houses built over the years.

The inconvenience of construction traffic and the disruption to everyday life although temporary would be an inconvenience for all residents on the estate.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Paul Binns

Address: 15 Taymouth Drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please note my objection to these plans as they will contribute to the loss of open space and, in my opinion, be an over development of the area. There are often cars parked in difficult areas obstructing the safe view of the road (often on pavements on bends in the road) this development can only add to the problem. Green spaces contribute to the aesthetics of the area and any loss of these valuable spaces is not acceptable to me.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Irene Black

Address: 27 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am submitting an objection to proposal 22/0090/IC on the grounds that this land is currently used as an amenity open space by the community and has been since the estate was first created in 1977.

When deliberating this proposal, the Local Development Plan policy numbers 35 and 36 should be taken into consideration by the Planning Officer. I strongly believe that the submitted proposal will have a negative impact on the area. Contrary to the proposal stating no trees are adjacent to the site, there are indeed trees growing there, which I was led to believe were originally planted by IDC with IC maintaining the amenity area until recently, at the point of sale. In conclusion, I consider it necessary that the loss of such a space will have a negative impact on the area and therefore does not comply with the LDP.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs ELISABETH BURNS

Address: 42 DUNVEGAN AVENUE GOUROCK

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The sale and development of this designated green area within this estate constitutes a threat to a community amenity which has been hitherto been supported and maintained by Inverclyde council and consequently paid for by the council tax payers of the Castle Levan area community.

2. When considering the action to be taken I would urge the Planning Officer to take into consideration the the Local Development Plan (LDP), policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Allan Cameron

Address: 5 Brodick Drive GOUROCK

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the planning application 22/0090/IC 22-24 Dunvegan Avenue Gourrock on the following Grounds.

The proposed building is out of character and style of neighbouring buildings and as the estate in general.

The location of the proposed building is not suitable as it sits on a long sharp bend and will obstruct the view of any road traffic travelling in either direction, which could result in a road traffic accident.

The proposed site of the drive and garage are not suitable for entry or exit on to the main road (Dunvegan Ave) which is the main route in and out of the estate and is not safe for good road traffic management purposes

The removal of another green site from the estate.

I would ask you to consider the local development plan (LDP), policy 35 and 36 on pages 42 and 43 respectfully in regard to this proposal

Overcrowding of the estate which has no local amenities

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Anita Carroll

Address: 40 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to plans on Dunvegan Avenue as follows-

1. The general policy of selling off land to private individuals to the detriment of the community
2. The sale of the property at the corner which will be a loss of an amenity we are paying for through council tax, will cause accidents through restricted visibility on the bend, and will be out of keeping with the existing properties.
3. Re the plans for property across from us, Loss of paid for amenity, policy of selling off community land to private individuals, loss of ground that hinders water run off and potential for flooding properties. .

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Miss Eabha Carroll

Address: 40 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object this proposal and do not support this at all. Please consider the the Local Development Plan (LDP), policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Patrick Carroll

Address: 40 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this development - green space should not be sold off for development.

Very disappointed to learn that a lot of our green space is being sold off for development.

[REDACTED]

From: Catriona Chambers [REDACTED]
Sent: 10 May 2022 14:41
To: planning dlm <planning.dlm@inverclyde.gov.uk>
Subject: Proposed building on Dunvegan Ave

I have recently been informed that consideration is being given to the building of a dwelling house and a garage on the bend at Dunvegan Avenue prior to Tantallon Avenue. I had some difficulty accessing the comment facility on line and submit this in response

Catriona M Chambers
7 Tantallon Ave
Gourock

I am most concerned about the application to build on a plot on Dunvegan Ave I understood was designated as green space. I thought that the Council owned and maintained the ground albeit the grass does not seem to have been cut recently. I think it would be more in keeping with the community needs if the ground was developed to provide a play area for young children and/or an outdoor gym maintaining the green space and providing a focus for all age groups in the outdoors.

This would not prevent the development of a wild life garden area. I note the desire to plant trees which I find ironic as I can only assume the council gave permission to cut the substantial tree which occupied this plot till a year ago and the trees which have been rather amateurishly cut back opposite the planned build. I have also heard that the garage is not for the planned build but for an existing property which seems inappropriate in the extreme. Sent from my iPhone

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Ian Chudleigh

Address: 28 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Rightly or wrongly my understanding is this land was designated as an open space when plans were approved for Henry Boot to build houses in Levan. Being a resident here since 1984 it is an area of land free from buildings for residents and local wildlife to have open access to. In submitting this comment I ask for the history of ownership of the land. If Inverclyde Council do not own, or have never owned, the land were they being paid to maintain it? If so who was paying them? If not why was Council funds being spent maintaining private land?

In conclusion I am objecting to this proposed development as I wish the land to remain an open space for residents and wildlife.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr robert Craig

Address: 7 Culzean Drive Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hi

I would like to object to any new building on the green spaces within Castle Levan.It amounts to loss of public amenity where children play safely,When we bought our current home it was partly due to those green open spaces where our children and current children play on.

Also it was part of Henry Boot gaining planning permission that these open green spaces was left as public amenity as our title deeds show.

Also in 2009 Inverclyde planning rejection to building on open space should remain unbuilt on for all time REF Number REN44070

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Marie Crawford

Address: 31 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write this letter to strongly object to the current planning application at site, plot to the North East of 22 and 24 Dunvegan Avenue, Gourrock.

The site is directly opposite my house. This is a particularly busy corner with lots of traffic throughout the day. It can be difficult to drive or reverse into my driveway at the moment due to the volume of traffic and the speed at which it travels. Building a house on this vacant plot of land will add to the already busy corner, especially with builders and materials being dropped on this site. It will add even more danger to an already very busy road.

LOCAL DEVELOPMENT PLAN (LDP) POLICY 35 AND 36

This site is currently an open area that is regularly used by residents of the Estate. The local authority policies 35 and 36 relate to Open Spaces and presumes against the loss of such spaces. We feel that this open space should not be lost and should be protected as an open space within the Estate.

INVERCLYDE COUNCIL'S GREEN CHARTER

I request that Inverclyde Council Planning consider their Green Charter when looking at this application as it is stated in Inverclyde's Green Charter and I quote from your website "Green Charter is the Council's flagship environment policy."

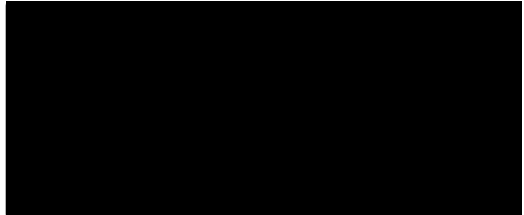

"The Council seeks to promote the economic, social and environmental well-being of local people and the community. We promise:

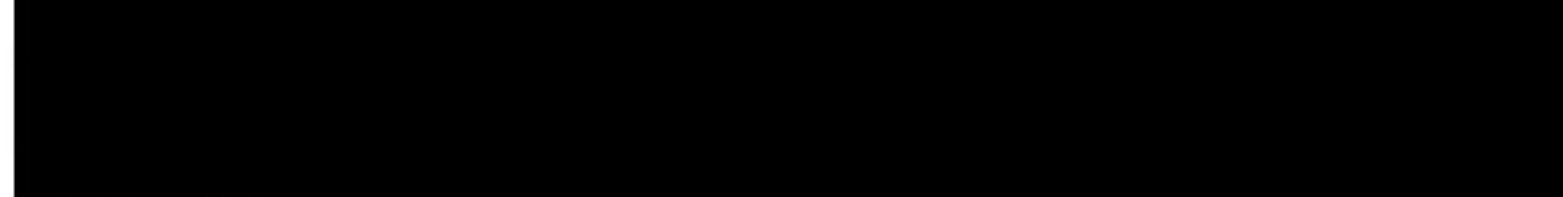
"use the duties, powers and resources invested in us to minimise the impact of our actions and those of others on the environment, and to enhance the environment whenever possible."

Upholding green spaces within our local environment should be considered as part of this planning application. I have read that the applicant has advised "a green space with native species to support a diverse ecosystem, encouraging wildlife". This statement is in fact the opposite of what is intended to be built on the site. There is already a diverse ecosystem and that space is regularly inhabited by deer who travel across it from Levan Woods. Building a house on this green space

will in fact be the exact opposite from what is planned and is a ludicrous statement. There are already many native species all around the Estate and in Levan woods which are in very close proximity,

In summary, I feel that this green space should be left as it is for reasons of safety for vehicles and the local environment which provides us with a green space which provides an already diverse ecosystem.



From: Tom Crozier 
Sent: 09 May 2022 14:51
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject:

Application for development on Dunvegan Ave., Gourock
Application number 22/0090/IC

I Would object to the above proposal on the grounds that the building would take place on an area already beside a very busy and dangerous road. The distraction caused by works could lead to further near accidents which already occur on a daily basis.

When original proposal was made for building on the ground, it was stated that the ground was not for "dwelling purposes". How can that now be changed ?

Since the ground is now privately owned, when will the present overgrown areas be cut and looked after. I object to now having to overlook a double garage and house if the building is given approval.

Yours sincerely,
Tom Crozier
31a Dunvegan Ave
Gourock

[REDACTED]

[REDACTED]

[REDACTED]

ean

From: [REDACTED]
Sent: 26 April 2022 17:42
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: Fwd: Planning Proposal 22/0090/IC - 22-24 Dunvegan Avenue, Gourrock.

FAO - Carrie Main.

-----Original Message-----

From: [REDACTED]
To: carrie.main@inverclyde.gov.uk <carrie.main@inverclyde.gov.uk>; david.ashman@inverclyde.gov.uk <david.ashman@inverclyde.gov.uk>
Sent: Tue, 26 Apr 2022 17:18
Subject: Planning Proposal 22/0090/IC - 22-24 Dunvegan Avenue, Gourrock.

Dear Sir/Madam,

I know that I am not alone in objecting strongly to this proposed development. As the Owner of the Castle Levan Estate Facebook group, I know there are hundreds of people objecting to this proposed development – many of whom see the sale of their “Open Spaces” as being at the centre of this issue. In registering this objection I wish to point you to considering the Local Development Plan policies 35 and 36 on pages 42 and 43 respectively in respect of this piece of land and its usage.

This piece of land was originally noted on the Land Register as being “Open Space” – it was put there for the benefit of the residents and formed part of the design of the estate. The land is essentially owned by the residents of the estate – paid for through their rates – and has been maintained by IDC for many years, as was the agreement with the developer at the time, Henry Boot Homes. Subsequent landowners have never attempted to sell the land – most probably because they saw it as being used in the way it was originally planned – for the benefit of the residents. The current landowner bought this land from David Wilson Homes in 2012, and he has now gone against the original Land Register plan for the estate; this land should never have been put up for sale under any circumstances – it is for the benefit of the residents of the estate and not for personal benefit by a landowner who has, since 2012, steadfastly refused to maintain the areas of land that he is responsible for and who has failed to ingratiate himself to his neighbours in what is a tight-knit community.

This proposed development falls on a piece of Dunvegan Avenue where several people before have tried to build – they have all been turned down due to the issues with traffic visibility. This is because the road changes elevation at this point and makes it impossible to have a line of sight for traffic coming both up and down the road. The “switchback” nature of the road layout also means that drivers have limited visibility – meaning that visibility is the key to safe negotiation of this bend. During the build phase of such a development, the added issue of delivery lorries, builders’ vehicles and added owner vehicles would make this part of the road almost impossible to negotiate safely – the reason it has been rejected in the past.

The design of the building states that is "2-storey" – given that the rest of the houses on this part of the estate are single storey, it seems that it would simply look out of place – a consideration that meant that the recent development at 13 Dunvegan Avenue ended up going to the Scottish Government for the final approval – which was then upheld and resulted in several changes having to be made (at considerable disruption to the estate residents with the road being dug up and not repaired for nearly 2 years). The residents of this estate deserve better than this, having suffered with the same issues over the past 5 years DIRECTLY across the street at 13 Dunvegan Avenue from this new proposed development.

In regard to the numerous proposals for trees, planting, low level shrubs etc – all of these are pointless pieces of "eco-propaganda", and the Council should not be fooled by their inclusion in this proposal by a local Architect who seems intent on playing the "eco card" in order to win favour with the Council. Also, in regard to trees, the applicant also notes that there are NO trees on the land – there are in fact 2 fully mature trees, both of which would need to be felled to make way for this development. This is against all of the rules of the TPO that is enforced on Levan Wood and its surrounding areas, and removing them without the proper authority would result in court proceedings for the landowner – I can assure you that I will be keeping a close eye on this aspect and will be involving the Police if any attempts are made to remove them.

The applicant has also failed to consider the services for the estate that cross the piece of land. The main sewer for the estate crosses across the proposed access and the main electricity cable for the estate crosses underneath the proposed house and garage – rerouting this would cause considerable upheaval to the residents of the estate and would be expensive for the proposer.

From a personal point of view, the position of this development and the size of it would adversely affect the light to my property at 25 Dunvegan Avenue. It would render my whole garden in shadow after 3pm for the whole of the year and would seriously cut down on the light entering my main living area. This change to the light would also affect the many mature plants and trees I have growing in my front garden. The outlook from my windows (which are floor to ceiling design) would mean that we are looked in on from this new development – and that the new development would also look straight into my bedroom, given that we are a bungalow.

The proposed development would also make it impossible for me to leave my driveway safely – the house would block my view of traffic downhill and the double garage would block my view uphill. Given the elevation change and switchback nature, this road can be difficult to negotiate in the winter – adding this development would only make that scenario worse.

It is for these reasons that I believe this and any future proposed developments on this piece of land be rejected by the Planning Department.

Yours Sincerely,

Andrew Currie,
25 Dunvegan Avenue,
Gourock.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Andrew Currie

Address: 25 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This piece of land was originally noted on the Land Register as being "Open Space" - it was put there for the benefit of the residents and formed part of the design of the estate. The land is essentially owned by the residents of the estate - paid for through their rates - and has been maintained by IDC for many years, as was the agreement with the developer at the time, Henry Boot Homes. Subsequent landowners have never attempted to sell the land - most probably because they saw it as being used in the way it was originally planned - for the benefit of the residents. The current landowner bought this land from David Wilson Homes in 2012, and he has now mistakenly gone against the original Land Register plan for the estate. This land should never have been put up for sale under any circumstances - it is for the benefit of the residents of the estate and makes up part of the amenities of the estate that the residents have paid for over the years by paying their rates.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Austin Darrah

Address: 12 Doune Gardens Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this proposed invasion of our estate green spaces, i have lived here for over 16 years and have walked my dogs around these areas for this time always enjoying the large open green spaces and well established trees and bushes.

It would be a travesty to allow the existing trees to be destroyed to make way for a behemoth structure with extremely difficult car access points.

I would like the planning officer to consider the local development plan (LDP) policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Miss Laura Davis

Address: Blair Gardens Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Strange that this proposal can be brought when the piece of land is clearly designated as "Open Space" on the original Land Registry entry - an amenity provided for the residents by the designers of the estate at the time (and maintained since its inception by IDC as was the agreement as part of the development) that has been upheld by several different landowners, none of whom have attempted to build on it for this reason. As for providing "a green space with native species to support a diverse ecosystem, encouraging wildlife whilst maintaining sightlines for road users" - well, there have 6 planning applications in 30 years to build at this portion of the road - none of which have been approved due to the elevation change and switchback nature of the bend, meaning that sightlines on the road are already reduced. Introducing more restrictions to these sightlines - both up and down the road - will seriously affect visibility for all drivers and only make it worse.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Isobel Delussey

Address: 8 Dunrobin Dr. Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to intimate my objection to the above planning application. There are a number of small open plots plus a woodland scattered throughout our neighbourhood. Increasingly these open spaces are coming under threat from developers.

Developing this site would, I believe, be contrary to the Ethos and intention of the Local Development Plan.

The use of eco buzz words makes the application sound contrived. Trees will be felled.

This particular site lies on a dangerous sweeping, curved bend. The bend is on the only road in and out of the neighbourhood and therefore is heavily used. Site traffic would cause major problems.

Green spaces are needed in communities and should be protected from random developers.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Shirley Donaldson

Address: 4 Brodick Drive Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object because of the safety implications regarding the sharp bend the ground is on also another green space being targeted for building

RECEIVED

19 MAY 2022

1 Tantallon Ave
Gourock
PA19 1HA

16 May 2022 Tel: [REDACTED]

Re: Planning Application - 22/0090/IC

Dear Carrie,

In response to your correspondence I wish to register my objection to the above planning application.

As an original resident of around 40 years I am concerned on road safety, loss of amenity and property devaluation grounds.

On purchasing the property we were assured by Tay Housing that no home or construction would be built on this land as the designated plot was too near the road and not even a play area would be considered on safety grounds.

Additionally any building would constitute a loss of amenity as it would have a negative effect on our aspect, view and property valuation. Over the years with the additional housing expansion, the flow of traffic through Dunvegan Avenue {both for residents and delivery vehicles} has increased heavily adding further safety concerns to the sharp bend adjacent to the application.

Furthermore the reduction in vision of line of sight if approved, would create additional safety hazards particularly during frequent inclement conditions and freezing and icy road concerns during winter weather. Hazards would also be increased due to cars or delivery vehicles parking outside the property creating additional safety concerns.

I consider the increased personal safety risk of accidents and injury to life especially for children, vulnerable pedestrians and drivers, far outweighs the approval of this application.

I very much hope these valid objections are fully considered when assessing this application.

Yours sincerely

[REDACTED]

Bridget Donnelly

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr James Elliott

Address: 6 Culzean Drive GOUROCK

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I object to the proposed development for two reasons; road safety and loss of amenity.

I drive around the U-bend at the proposed development daily. I look across the grassed area to see if there is; any traffic coming towards me, parked vehicles, pedestrians, dogs or deer that I need to be aware of. Any development on the inside of the bend will impede my visibility, the bend would become more dangerous.

Any development would cause parking on the bend both during and after construction, this would increase the risk of a road/traffic accident and injury to pedestrians or animals.

There are few open grassed areas within the Castle Levan housing estate, I believe that they should be preserved not only as play areas or for dog walking but for the unquantifiable mental health benefits that green open spaces provide for all residents of this area.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr PAUL Greer

Address: 26 Taymouth Drive GOUROCK

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Consider the the Local Development Plan (LDP), policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal

Whilst the site is not designated open space it is amenity open space within the housing estate. Policy 35 of the adopted LDP and Policy 36 of the proposed LDP relate to Open Spaces and presumes against the loss of such spaces. I do consider it necessary that the loss of such a space will need to be justified against these policies to be considered favourably. I consider this to be a key issue and concern in this instance'.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Graham Hamilton

Address: 26 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The plans that have been submitted are in outline format hence a detailed scrutiny is difficult however I would make the following points -

Whilst the height of the proposed house / garage is not detailed given its proximity to nearby houses loss of daylight / overshadowing would be a concern.

In a similar vein over looking / loss of privacy would also appear to be a reasonable concern given location and proximity.

The house will be located on a partially blind bend on the only access road for all residents of the Castle Levan estate. Current traffic is considerable and there are no traffic calming measures or reduced speed limits in place. Thus allowing additional vehicle access points on this bend whilst reducing sight lines for motorists will create adverse highway safety issues.

The proposed house / garage will result in the loss of an established natural area within the vicinity which will not be replaced by the proposed plans submitted.

On that basis I lodge an objection.



-----Original Message-----

From: Tom Hawton 

Sent: 15 June 2022 19:02

To: dmplanning <dmplanning@inverclyde.gov.uk>

Subject: Open space at 24 Dunvegan Avenue Gourock PA19

Good afternoon

I understand there are plans to build a bungalow and several garages upon the said open space.

We wish to lodge our objection to this.

This seems to be a bit of a vanity project. There is an adequate number of residential properties in the area, and we can see no need for additional garages built by someone who, I understand, will not be using them themselves. We do not believe commercial properties are needed in this neck of the woods. I understand there were green areas from the time of the development of the estate which were subsequently purchased. Green areas are there for a reason and it is not always necessary for them to be turned into further residential areas.

We need green areas for folk to walk their dogs, for people to look at something which is not a building, for there to be an area which soaks up the rain and prevents flooding further along the line. Whether folk like to acknowledge it or not, our climate is changing. It is not all man made. This folly however is. One of the legacies of the Platinum Jubilee is the gradual greening of urban spaces, it would be a pity to go the other way.

Thank you for taking the time to read this and I hope you will give it due consideration.

Janice and Tom Hawton

Sent from my iPad

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Alexander Lynch

Address: 11 Tantallon Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Loss of amenity open space within the estate. Consider Policy 35 /36 on Pages 42/43 of Local Development Plan. Road Safety - proposal for build on land location similar to this on the estate was dismissed by Councillors in 1985/86 (Councillor Mulholland Planning Chair). I objected then. Volume and speed of vehicles has increased since then. Underwhelmed by design of last permitted new build (with changes ?) and is an eyesore with painted roof tiles and other alterations - ? relationship with the submitted and agreed proposal questionable.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Fraser MacKenzie

Address: 20 Dunvegan Avenue, Gourock PA19 1AE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the application to build on the plot of land due to the fact that it would further erode what little open space remains on Dunvegan Avenue. Whilst this area of land may not be designated as open space on the 2019 LDP map, it is clear to see why the original developers left this area as such. The land could be easily justified as fitting the criteria of open space. The land is mainly frequented by local residents exercising their dogs - there is little other space to do so. We have seen in recent years the developments at 13 Dunvegan, 34-36 Dunvegan, and despite being objected to by locals, all of which went ahead. None of these developments have enhanced the area (especially 13 Dunvegan Avenue) and had the open space been respected, then we feel that the locals would have been better served. Leven Wood was not open space prior to the original planning decision for 13 Dunvegan. It now is on the 2019 LDP map; therefore, I hope that the same poor judgment will not be repeated.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Alan Mackie

Address: 50 Dunvegan Ave Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Community area

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Anne Mackie

Address: 50 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'd like to object to this application. The proposed development on this green space would be detrimental to the area and the residents. This is a meeting area for dog owners and neighbours and a pleasant and useful natural area. Removing an open area, especially on a corner site would be a great loss. In this age of climate concerns and global warming, the removal of the existing trees on this space would be against everything we are being told to do to aid the environment.



Contact Details

Name Paul Mcilreavy
Address 1 24 Dunvegan Avenue
Address 2
Town Gourock
County Inverclyde
Postcode Pa191ae
Telephone [REDACTED]
E-mail [REDACTED]
Fax [REDACTED]

Enquiry Details

Planning
Application 22-24Dunvegan Avenue
Site Address:

Nature of
Enquiry: Comments

What are your
comments? This plot has been open land on the estate for over forty years something that there is a lack of ,it is also on a dangerous bend with poor visibility,the application states there are no trees infact there are two trees ,the garage is nowhere near the house but closer to my property at a higher ground level blocking natural light ,it is also infront of a window so I have real concerns

How can we
help? (your
question)

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Carol Mckenna

Address: 3 Culzean Drive GOUROCK

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like a piece of green belt left in the estate ,plus more hassel on that bend of the Rd with cars ,it's bad enough when cars park on the bend as you can't see properly when driving round the bend of the Rd, so best left as it is in my opinion

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Fraser McKillop

Address: 47 Tantallon Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If the applicant is so concerned about the environment why wouldn't they just create a farm on nature reserve on the site instead of a building?

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Stuart McLaren

Address: 29 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to submit an objection regarding planning application number 22/0090/IC. My main objection to this application is due to the fact that the ground in question is one of the last remaining amenity open spaces that the community of Levan Estate has left for them to use. This land is used by a variety of age groups, from young children playing, to adults exercising their pets and indeed a variety of wild life can also be seen on this land during the day and at night. On reading through the planning proposal, I noticed great detail given about growing plants to help the environment etc. In actual fact they will be doing the opposite, as trees already in existence will have to be felled to make way for the new construction. I would be obliged therefore if the Planning Officer, on making their decision on whether or not to proceed the proposal, could give thought, not only to the objections raised, but also give consideration to the LDP document regarding policy numbers 35 and 36.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Marjorie Morrison

Address: 9 Urquhart Drive Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm shocked that planning permission has been submitted for this piece of land.

Delivering materials etc., will be an accident waiting to happen.

It's getting to the stage where every piece of land in the estate will soon be built on.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Campbell Mulvaney

Address: 38 Dunvegan avenue GOUROCK

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the proposed for the following reasons:

The plot in question is locally valued amenity open space and was designed as such when the housing estate was built. These green open spaces should be cared for and protected. The loss of the area of open space would be severely detrimental to the open space and spacious character of the residential area and would remove a number of mature trees in doing so, one of which has already been felled much to local residents dismay.

The planning application asks " Are there any trees on or adjacent to the application site?"

Answer provided "No"

When in fact there are 2 trees that stand on the proposed dwelling house.

The proposed development, if approved would set a precedent for similar future developments which collectively would be detrimental to the area as a whole.

There is no safe parking anywhere on the corner of the road for works lorries/vans that wouldn't restrict drivers views travelling around the corner.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Harry Murdoch

Address: 2 Brodick drive Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have had the green spaces in our area for over 40 years the area in question has 2 beautiful trees we have been paying the council through our rates to maintain the area unaware that the land had been sold I am sure when the estate was developed over 40 years ago the stipulation was for common area to be left to compliment and make the area more aesthetically pleasing to buyers if the council maintained the area for over 40 years at our cost the areas should have been adopted like in most other areas and if council were so cash strapped I am sure the residents would have maintained the grass our self we need common areas not more houses

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Ms Kendal Paterson

Address: 31 Doune Gardens Gourrock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I bought my house on this estate eight months ago and took many things into consideration when I was buying it. One of the positive things was the amount of green space there is - it gives the area a little bit of a special something. I have two dogs and really appreciate the green spaces so close to my house. The thought of a large house and garage being built on one of them not only creates an eyesore but gives free reign for further building on those precious spaces.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Lynn Perkins

Address: 1 Brodick drive Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have lived here for 40 yrs and the reason we bought this house was because of the open spaces , everyone comments on it .

Now it is being devalued by allowing people to consider buying our land and building on it. This plan shows 2 driveways both before the bend coming up and again at the top of the hill . This plan shows sight lines but doesn't take into consideration the height of the climb coming up the hill and the drop height coming down . There has already been more than a few instances over the 40 years of cars narrowly missing severe impact due to weather in the winter and strong sunlight in the summer . I myself look across the open space to the end of the driveway of the last house on the right hand side of the road coming up and the same when coming down the hill and with a property on this ground it would make it severely dangerous

This has always been a nice relaxed tidy area . But now I feel with this property our area would be devalued .

[REDACTED]

Classification: Official

[REDACTED]

From: Alan Rodger [REDACTED]
Sent: 18 May 2022 18:53
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Re: (Official) Open spaces in Levan Estate, Gourrock

Sean,

Thank you for your email and explaining the proper procedure. We would like it to be recorded that we object to Planning Application No. 22/0090/IC on the grounds that the current open space, which in our opinion is a necessary amenity, should remain so and not be built on.

Regards

Alan and Flora Rodger.

On Wed, 18 May 2022, 15:53 Sean McDaid, <Sean.McDaid@inverclyde.gov.uk> wrote:

Classification: Official

Alan and Flora,

I refer to your email below.

I would be grateful if you can confirm if your email below is an objection to a current planning application and what application. If so this will allow your email to be recorded against the planning application and for it to be properly acknowledged.

If your email is not an objection to a current planning application I can forward it instead to the appropriate Council Service to respond.

Regards.

Sean Mc Daid

Senior Planner

Regeneration and Planning

Inverclyde Council

Municipal Buildings

Clyde Square

Greenock

Inverclyde

PA15 1LY

Tel: 01475 712412

E-mail: dmplanning@inverclyde.gov.uk

Inverclyde Council website – www.inverclyde.gov.uk

Inverclyde on Twitter – twitter.com/inverclyde

From: Alan Rodger [mailto:

Sent: 15 May 2022 19:35

To: dmplanning <dmplanning@inverclyde.gov.uk>

Subject: Open spaces in Levan Estate, Gourock

Dear Sir/Madam

Having lived here for nearly 33 years, we are unhappy at the potential sale of open spaces in our area and that we would like to record that we strongly object the loss of these spaces and the possibility of building taking place thereon.

yours faithfully,

Alan and Flora Rodger (1Culzean Drive, Gourock)

Disclaimer:

Privileged/Confidential Information may be contained in this email. This email (and its attachments) is intended for the named addressee only. If you are not the intended recipient, you must not disclose, copy, alter, distribute, publish or take any action in reliance on this email (and its attachments).

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Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Ian Smith

Address: 38 Dunvegan Avenue, Gourrock, Inverclyde PA19 1AE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Contrary to the item 'Trees' on page 4 of the Application form there are currently 2 trees on the site (photos from 25/04/2022 available).

- 1) This estate was designed with green spaces included - they are being progressively removed to the benefit of private individuals. This should not be allowed.
- 2) The planning request would situate a house on a corner (road 180° round it) and endanger the views for traffic (vehicular and pedestrian) ascending / descending Dunvegan Avenue.
- 3) Entry and egress to the property would be out of view of traffic arriving into the corner for both the driveways to the garage and to the house.
- 4) The construction process of a property on this site would entail unacceptable danger for road and pavement traffic and for entry and exit to the existing properties opposite

I strongly object to this proposal.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Ms Susan Stratton

Address: 30 Blair Gardens Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am extremely concerned about proposed building of a house on this plot. Cars at present already take the bend wide, building on this space will essentially create a blind bend, entering and exiting this plot will be a safety issue. I am also extremely worried to the safety of myself and my neighbours who use the road. I would also like to highlight the negative / adverse visual impact of the development. This land is currently populated by mature trees, with visiting deer, badgers and other wildlife often seen here. The proposed building will further destroy the very limited green space in the estate and the local eco-system. I consider that this proposal allows very little space for landscaping and I believe that it would lead to gross over-development of the site. The proposed development would not result in a benefit environmentally and in landscape terms, to the contrary it would lead to the loss of valuable green space. Having lived in a safe, residential, and quiet estate for 20 years I am now extremely concerned about the safety of the main road in and out of the estate, the lack of valuable open, woodland space, privacy and the right to enjoy a quiet and safe residential environment if this house was to be built.

29 APR 2022

Please reply to

Alisdair T Tannahill
22 Dunvegan Avenue
Gourock
PA19 1AE

28th April 2022

Inverclyde Council
Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Dear Sirs

**Planning Application 22/0090/IC - Dunvegan Avenue Gourock
Proposed Dwelling House and Double Garage – Outline Proposal**

I refer to the above outline planning application and wish to make the following comments in respect of my objections to this proposal.

This area of land was agreed and specified by the builders (Henry Boot) in 1978 as Public Open Space for the benefit of the residents of the Levan Estate. Presumably Inverclyde Council was a party to that agreement, and maintained the area by grass cutting etc until now.

I have lived at this address since October 1978 and in the title deeds of my property there is a clause which states *"In respect that there have been or will be set aside for lay-bys, amenity ground and open space areas of ground throughout the development the proprietors of the majority of dwelling houses shall be entitled to decide what mutual repairs are necessary for the proper maintenance of said lay-bys and open space areas etc and shall be entitled to have said common repairs executed. All proprietors whether consenting or not shall be bound to pay an equal share of the cost"*.

I believe that all the residents have met that obligation by paying substantial rates during the last 40+ years.

The estate at Levan was designed to create an open and pleasant environment and that has been achieved with the exception of one recent new build which is totally inappropriate and out of character with the rest of the estate.

In the application there is a question asking if there are trees on the site or on adjacent land. The answer given is that there are none. This is false as there are two trees on the site and one in my garden.

The outline plan shows two driveways, each of which is located on the bend of Dunvegan Avenue and will be dangerous to say the least with the high volume of traffic which is constant to and from the higher areas of the estate. While the sight lines on the plan indicate good visibility through the bend, this does not take into account vehicles parked on the two driveways which would reduce the visibility considerably, leading to a very dangerous situation.

There is only one pavement for pedestrians – on the inside of the bend - and if any construction is permitted this would mean very restricted areas for pedestrians and in particular those with limited mobility.

Despite changes in ownership of the land over the years and one very recent change it is my contention that this area of public open space should be maintained as such and that the grass cutting be continued in exactly the same way as it has been since 1978 for the benefit of all the residents of the Levan estate.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Alisdair T Tannahill

[REDACTED]

From: Catherine Verner [REDACTED]
Sent: 26 April 2022 19:15
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: Objection to planning proposal

I am a resident of Castle Levan Estate in Gourock and wish to register my objection to the Planning proposal 22/0090/IC.

This plot of land is one of few pieces of green land on the estate. Whilst the site is not designated open space it is amenity open space within the housing estate.

Policy 35 of the adopted LDP and Policy 36 of the proposed LDP relate to Open Spaces and presume against the loss of such spaces. I do consider it necessary that the loss of such a space will need to be justified against these policies to be considered favourably. I consider this to be a key issue and concern in this instance

I trust that you will take my views and those of other residents within the estate into serious consideration.

Catherine Verner
2 Durnrobin Drive
Gourock
PA19 1EB



Virus-free. www.avast.com

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr George Wall

Address: 8 Culzean Drive Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Building a house here will greatly effect visibility for drivers going around this blind bend in Dunvegan Avenue. It will be more dangerous than it is just now. Also the removal of a further two trees (maybe 3 as there is a tree within a current house overhangs the proposed building space) on the land is wrong. One tree has already been cut down . Is this not amenity open space within the housing estate and as such should remain so. Surely loss of such space and the fact there will be greater danger to pedestrians and drivers really need to be justified. I also feel should this go ahead the building of the house will cause major issues to traffic flow and again be dangerous due to the location.

I object to this building application.

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Sharon Wallace

Address: 17 Tantallon Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object as the loss of this amenity open space is a key issue and concern. Please consider the Local Development Plan (LDP), policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal".

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mr Gordon Williams

Address: 52 Tantallon Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object Strongly to this planned application, I have lived in Castle Levan estate for 20 Years and when I bought my house was such a lovely place to live now with this proposal it is just another money grab from the council for one more community charge , This is a lovely piece of land with wild flowers and bees and other associated wild life the council is Hell bent on using every inch of available space to turn our estate in to a concrete jungle is it really any wonder that the population of Inverclyde is dwindling.. Inverclyde council really needs to get a grip and start listening to the folk that this proposal will effect not just one person who is intent on building on this small piece of land I will not hold my breath on being listened to Though I'm just a Tax payer who enjoys being able to enjoy the small open spaces we have in our estate !!! What next ? Folks Gardens ...

Comments for Planning Application 22/0090/IC

Application Summary

Application Number: 22/0090/IC

Address: Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Proposal: Proposed dwelling house and detached garage

Case Officer: Carrie Main

Customer Details

Name: Mrs Victoria Wilson

Address: 35 Dunvegan Avenue Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The land in question is on a notably bad bend on an extremely busy hill. This is the only road in and out of the estate, and in its current state (with no house) it's very difficult as a driver to see what cars, pedestrians or cyclists are on the road, coming up or down the hill. To build a house here, endangers the well-being and safety of the residents and passers by to the estate. It will be an accident waiting to happen!

The estate is also inhabited by various wild life, which you can often see on this big of land - deer, foxes, hedgehogs and squirrels. To build a house here gives less green space for wildlife to graze and live.

**9. DECISION NOTICE DATED 22 JULY 2022 ISSUED
BY HEAD OF REGENERATION & PLANNING**

DECISION NOTICE

Planning Permission in Principle- Refusal

Issued under Delegated Powers

**Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY**

Planning Ref: 22/0090/IC

Online Ref:100554315-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013***

**Mr David Middlesworth
26 Beithglass Avenue
SKELMORLIE
PA16 1YQ**

**Richard Robb Architects
Richard Robb
75-77 Albert Road
GOUROCK
PA19 1NJ**

With reference to your application dated 11.04.2022 for planning permission under the abovementioned Act and Regulation for the following development:-

Proposed dwelling house and detached garage at

Plot To North East Of 22 And 24 Dunvegan Avenue, Gourrock

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission in principle for the said development in accordance with the plan(s) docketted as relative hereto and the particulars given in the application subject however to the following reason(s):-

1. The proposal cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
2. The proposed development would result in the loss of open space which is of quality and value in terms of its contribution to the amenity, character and appearance of the wider area and to the community. It is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan 2019 and Policies 20 and 36 of the proposed Inverclyde Local Development Plan 2021.
3. The proposal fails to retain this amenity open space- a locally distinct natural feature- which contributes to the amenity, character and distinctive urban form of the wider development. The proposal is therefore unacceptable with reference to being "Distinctive" and does not fulfil the aims and requirements of Policy 1 within both the adopted and proposed Local Development Plan.
4. The site is not considered appropriate for residential development, contrary to Policy 18 of both the adopted and proposed Inverclyde Local Development Plan. The site is a valued amenity space which defines the character and form of the wider residential development and therefore presents a conflict with the principle of both adopted and draft PAAN 2 and PAAN 3.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 22nd day of July 2022



Mr Stuart W. Jamieson
Interim Director
Environment and Regeneration

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Democratic Services, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 2 If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
1006/LOC/01		01.02.2022
1006/BP/01		01.02.2022

**10. NOTICE OF REVIEW FORM DATED 21 OCTOBER
2022 WITH SUPPORTING STATEMENT FROM
RICHARD ROBB ARCHITECTS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100554315-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Richard Robb Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Robb	Building Number:	75-77
Telephone Number: *	01475 630877	Address 1 (Street): *	Albert Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gourock
Fax Number:		Country: *	UK
		Postcode: *	PA19 1NJ
Email Address: *	info@scotlandarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text" value="26"/>
Last Name: *	<input type="text" value="Middlesworth"/>	Address 1 (Street): *	<input type="text" value="Beithglass Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Skelmorlie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA16 1YQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="plot to North East of 22 and 24 Dunvegan Avenue, Gourrock"/>
--

Northing	<input type="text" value="676482"/>	Easting	<input type="text" value="221805"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

proposed dwelling house and detached garage

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see review document

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal against Planning Application in Principal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/0090/IC

What date was the application submitted to the planning authority? *

21/04/2022

What date was the decision issued by the planning authority? *

22/07/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Richard Robb

Declaration Date: 21/10/2022



**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION IN
PRINCIPLE, APPLICATION NO 22/0090/IC, BY INVERCLYDE COUNCIL**

21/10/2022

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Introduction

Our proposal is for Planning Permission in Principle to provide a socially contributing 'green' dwelling with a diverse eco system on a proportion of a vacant site adjacent to numbers 22 and 24 Dunvegan Avenue and opposite numbers 25, 27, 29, 31 & 31a Dunvegan Avenue.

Our Application was refused by Inverclyde Council on 4 points.

In the following document we will set out our objections to the refusal.

Site Description

The application site, extending to an area of approximately 1250 square metres, comprises of an area of grassed open ground which lies on a corner plot, at a u-bend in the road, adjacent to nos. 22 and 24 and opposite nos. 25, 27, 29, 31 and 31a Dunvegan Avenue, Gourrock. The site takes a slightly elevated position from the road and slopes downwards in a north-westerly and easterly direction from the highest point at southern end of the site. It is bound to the south-west by neighbouring dwellings and unbound to the road elsewhere. The south-western boundary is defined predominately by slatted timber fencing which bounds neighbouring dwellings rear gardens and vegetation in the form of shrubbery. Two trees exist centrally within the site.

The surrounding area is residential in character with neighbouring properties similar in scale and design. The wider residential development was approved under planning permission IC/77/115 in which the site was identified as open space.

The application site does extend to an area of approximately 1250 square metres, with approximately half of the site proposed for residential use and the remainder to be attractively landscaped, reintroducing native species to encourage wildlife and pollinators.

If it is at all possible for the existing mature trees to be retained our Client is keen to do so but if they do need to be removed he would replace them like for like in a suitable position.

The site is sloped as described with the intention being that a detailed design on approval of the application in principal would show how a house would utilise the slope to sit neatly in the landscape.

The surrounding area is residential in character and the proposal has been deliberately kept close in scale to the neighbouring properties, it is also noted that materials would be similar to those used for the surrounding houses.

The development which was approved under planning permission IC/77/115 identified many open spaces within the development, some of which have been well maintained and some which have not.

It has been proven previously in planning appeal IC/17/0134 that the open spaces have always been privately owned and were never adopted by Inverclyde council.

Not all of the spaces which have been left undeveloped are of the same size, our application site is substantially larger the other corner plots on the estate.

It is also noteworthy that as you go further up the hill the newer parts of Castle Levan Estate do have houses on the corner plots.

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BACKGROUND & PROPOSAL

Planning permission in principle is sought for the erection of a dwelling house and associated detached garage on the site inclusive of landscaping, parking and access.

To inform the principle of development, a proposed block plan sets out a proposal for a detached house to be located within the north-west of the site and the detached double garage towards the south, both will be located 1.8 metres from the south-west and common boundary with the adjacent neighbouring properties. The house and driveway are to each have their own driveway access direct from Dunvegan Avenue. The plan further specifies that the house is to be 1.5 storey, 4 bed, occupying approximately 150-200 square metres. The driveways are to retain traffic sight lines and the driveway material is to be porous pavers, or a similar surface which permits self-draining. The private rear garden area is to intervene between the house and the garage to a depth of approximately 16.3 metres. The remainder of the site, to the east, is to remain undeveloped and landscaped with indigenous low level planting to provide a green space to encourage wildlife whilst maintaining sight lines for road users. Background information planting species has been included within the application which may further inform the landscaping proposals.

In April 2022 we were approached by the Client to design a site layout plan for a proposed dwelling house for him and his young family to live in on a plot of ground he had recently purchased.

From our first meeting the Client was very clear that he wanted to utilise as little of the plot as possible for residential purposes and that his vision was to create an attractive area of low level planting, introducing

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native species which would attract wildlife and pollinators on the remaining area closest to the bend in the road. Improving the quality and contribution to the Green Network of the remaining open space.

He was keen to be sensitive to his potential neighbours and asked for the proposed building outlines to be as close in scale, position and once a full design was undertaken, in character to the existing surrounding properties.

Our proposal does not, as stated in the report, locate the proposed house 1.8m from the boundary, it is in fact 2m from the boundary as is the Garage. This is a similar distance from the boundary to the property at number 24 Dunvegan Avenue.

Reason for Refusal

That the application be refused for the following reasons:

1. The proposal cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
2. The proposed development would result in the loss of open space which is of quality and value in terms of its contribution to the amenity, character and appearance of the wider area and to the community. It is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan 2019 and Policies 20 and 36 of the proposed Inverclyde Local Development Plan 2021.
3. The proposal fails to retain this amenity open space- a locally distinct natural feature- which contributes to the amenity, character and distinctive urban form of the wider development. The proposal is therefore unacceptable with reference to being "Distinctive" and does not fulfil the aims and requirements of Policy 1 within both the adopted and proposed Local Development Plan.
4. The site is not considered appropriate for residential development, contrary to Policy 18 of both the adopted and proposed Inverclyde Local Development Plan. The site is a valued amenity space which defines the character and form of the wider residential development and therefore presents a conflict with the principle of both adopted and draft PAAN 2 and PAAN 3.

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1. Right Development Right Place as required by Scottish Planning Policy 2014

It is noted by the planner that the reason for refusal, shown below, refers to paragraph 29 of the SPP 2014.

In conclusion, Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposal fails in respect of a number of policies within the Local Development Plan and does not constitute the right development in the right place in respect of paragraph 29 of SPP. Having fully assessed the proposal, it is not considered that there are any material planning considerations that indicate that a position contrary to this should be taken. Planning permission should be refused for the reasons set out below.

Paragraph 29 of the SPP reads:

Policy Principles

This SPP introduces a presumption in favour of development that contributes to sustainable development.

29. This means that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;

9

Scottish Planning Policy

- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting [climate change mitigation](#) and [adaptation](#) including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the [historic environment](#);
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

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With regard to the above our Client feels that he would be making a contribution to the local economy, providing work for local people during the design, construction and through contributions to the local community when he and his family eventually live there.

Please see the six qualities of successful places, shown below:

FIGURE 3: Factors Contributing to Successful Places



Most of the points related to each of the above headings refer to a developed design, this should be considered under a full planning Application. This is acknowledged by the Planner in her report.

Planning Permission in Principle, as is being sought by our Client, only outlines a proposed site layout/building footprint, assessing the suitability of this plan and context.

The Planner refers directly to the proposed development not being distinctive. We believe she is referring to retaining locally distinct built or natural features.

The Planner may have been referring to the fact that the site has existed in its current form since the estate was constructed in the early 1980's.

The estate has grown substantially since the first phase of development with variations of layout and house style.

Recently there have been approvals for a residential development at 13 Dunvegan Avenue on an area of land within Levan Wood, which is a designated green space as shown on the Local Development Plan Map and a development on an area of open space, as noted on the Register of Sasines, between numbers 34 & 36 Dunvegan Avenue.

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We feel that each of the other points under the heading 'Distinctive' have been satisfied as far as is possible in an application for Planning Permission in Principle.

Our client has provided the comments below for inclusion as he would like to demonstrate that he would fully consider all points noted above.

DISTINCTIVE

- 1.the proposed development could reflect local architecture and urban form
- 2.use native species in landscaping and create a habitat for native wildlife

ADAPTABLE

- 1.the proposed development would not become neglected or obsolete it would be a family home

RESOURCE EFFICIENT

- 1.take advantage of sunlight for solar panels
- 2.incorporate low carbon energy generating technology
- 3.utilise sustainable design and construction
- 4.make use of available heat sources
- 5.use local or sustainably sourced materials
- 6.provide space for collection of waste

EASY TO MOVE AROUND

- 1.Be well connected
- 2.recognise the needs of pedestrians and cyclists

SAFE AND PLEASANT

- 1.avoid creating a space which facilitates anti social behaviour
- 2.incorporate appropriate lighting
- 3.minimise the impact of traffic and parking
- 4.incorporate green infrastructure

WELCOMING

- 1.create a sense of arrival
- 2.integrate new development into existing community

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During the consideration period for the application we contacted the designated Planning officer on more than one occasion to make sure that she had all the information required and that there were no issues or queries regarding the application. She confirmed that she had all the necessary information on 31/05/2022. There was no acknowledgment of our email dated 08/06/2022. At no point did she ask about boundary issues which could have been easily clarified. It is our belief that this point should be disregarded.

1. Loss of open Space

Policy 35 of the Local Development Plan

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.

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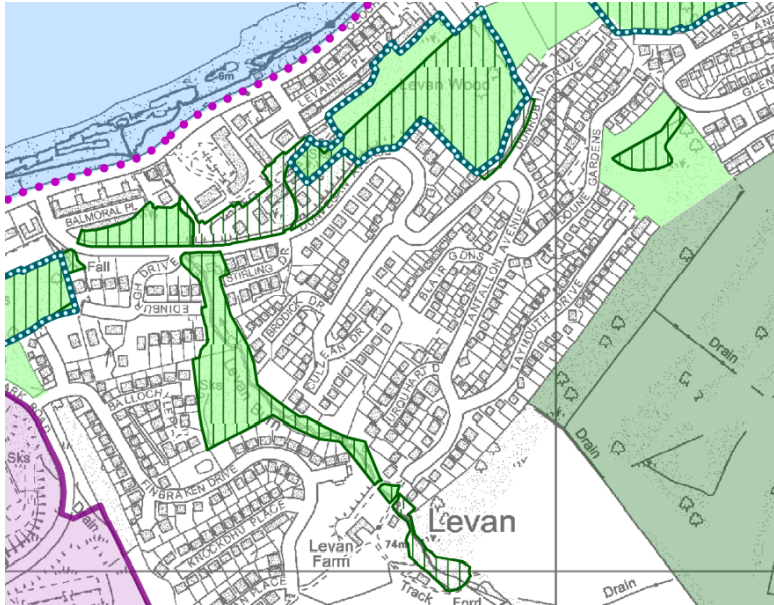
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The map below shows designated green space in light green.



The Local Development Plan specifies that there should be 1.64 Hectares of open space made available per 1000 residents. The LDP also sets out parameters for occupancy, with a double bedroom = 2 residents and a single bedroom = 1 resident.

We have made an assessment of the designated open spaces available within the area and an approximation of the number of residents living on the estate, assuming that average occupancy per property is 5 people.

We have also estimated the total number of houses on the estate, with approximately 470 properties.

470 properties x 5 people per property = 2350

We have found that the combined area of designated green space is approximately 8 Hectares.

$8/1.64 = 4.9$

$4.9 \times 1000 = 4900$

There are approximately 2350 people living on the estate with open designated green spaces which are sufficient for approximately 4900 people.

From our above estimates it can be seen that there is an excess of green space available to the residents of Castle Levan Estate.

It seems to be the belief of Inverclyde Council that the application site is a valuable public space in its current state. Our Client would like to highlight that the existing topography of the site is not safe.

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The surface is uneven with rises and falls and raised metal covers which could result in a nasty fall. There are no dog waste bins nearby resulting in dog waste being left on the site.

Policy 35 does protect all open spaces which are of quality and value to the Green Network.

The Green Network is an initiative by the Green Action Trust.

We believe that the planner is referring to the 'Placemaking' section of the Green Network Delivery Plan 2020-2030 shown below:

Placemaking

This workstream covers the development of the CSGN as a key component of quality, liveable places in Central Scotland

- promoting the role of quality green infrastructure in placemaking and urban design
- promoting and delivering greenspaces and multifunctional green infrastructure in new developments and existing places (*retrofitting*)

This workstream also includes biodiversity and its impact on people:

- protecting and enhancing priority sites and habitats
- creating new areas of habitat across the CSGN (*particularly increasing semi-natural habitats in and around urban areas*)
- increasing habitat connectivity and coherence across the CSGN – reducing the functional fragmentation of habitats (*this relates closely to the CSGN Blueprint*)
- increasing people's access to and experience of nature

The improvements our Client proposes to make to the application site make it more compliant with the above.

The information below was noted on our Planning Application for the site.

Landscaped grass area with low level planting providing a green space with native species to support a diverse ecosystem, encouraging wildlife whilst maintaining sightlines for road users. Refer to attached planting and other information by Client.

Left in its current state the site has limited benefits to the environment. Cut grass does not provide the same benefits to the environment as the planting which our client proposes.

Policy 35 states that Development proposals which will result in the loss of open space will not be permitted unless provision of an open space of equal or enhanced quality are provided.

The Planner has noted the below in her report:

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this amenity open space is well-utilised and of value to the local community. Whilst the applicant seeks to incorporate additional landscaping into the eastern area of the site I do not consider this to be on an equal or enhanced quality to the existing, where soft landscaping, notably the trees on site, will need to be removed and there is a considerable reduction in the scale of the amenity open space.

The Planner also states:

determine whether they are acceptable or not. I acknowledge that the removal of the existing trees has not been made clear in the application. It is however not the role of planning authority to critique what may be perceived as inaccuracies. The planning application has to be assessed against the

The application put forward was for Planning Permission in Principle, detailed plans for the site and consideration for removal or replacement of the existing trees would only be put forward with a full Planning Application. It is therefore unfair to use this point against the application, as the Planner herself indicates.

We would like to highlight our Client's commitment to sustainability and if the trees on the site could be retained he would be keen to do so. If the trees did need to be removed he would be willing to replace them like for like in a suitable position.

Policy 35 states that open spaces should be of 'quality and value', scale is not mentioned in the policy. We feel that although the open space would be reduced in scale the improvement in quality and value to the environment and Green Infrastructure far outweigh the scale reduction.

Policy 20

properties where these proposals do not have an unacceptable impact on their neighbours' enjoyment of their own properties, the appearance of the surrounding area or traffic and pedestrian safety. New houses will also be supported in existing residential areas where the impact on existing houses is acceptable, and the design and layout of the new houses are in keeping with their surroundings. Likewise, appropriate non-residential development can also enhance residential areas as a place to live, but needs to be considerably located, designed and operated to avoid unacceptable impact on nearby houses. Proposals for the development or use of premises for home-working, live-work units, micro-businesses and community hubs will also be supported, subject to there being no unacceptable impacts.

POLICY 20 - 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.

Policy 20 refers to Residential Areas. According to Policy 20 new houses should be supported in existing areas where the impact on existing housing is acceptable. Acceptability is assessed with regard to impact on Amenity, Character & the appearance of the area.

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We feel that a Planning Application in Principal can only be assessed on amenity as the character and appearance would require a full application to set out a proposed design.

We do acknowledge that as the application site has been left undeveloped since the estate was built in the early 1980's the residents have viewed it as a public space.

The land has however always been in private ownership, this is demonstrated by Title REN16 as is available from the Land Register of Scotland. Please see extract below:

REN16

i This is one of 11 addresses registered under this title number.

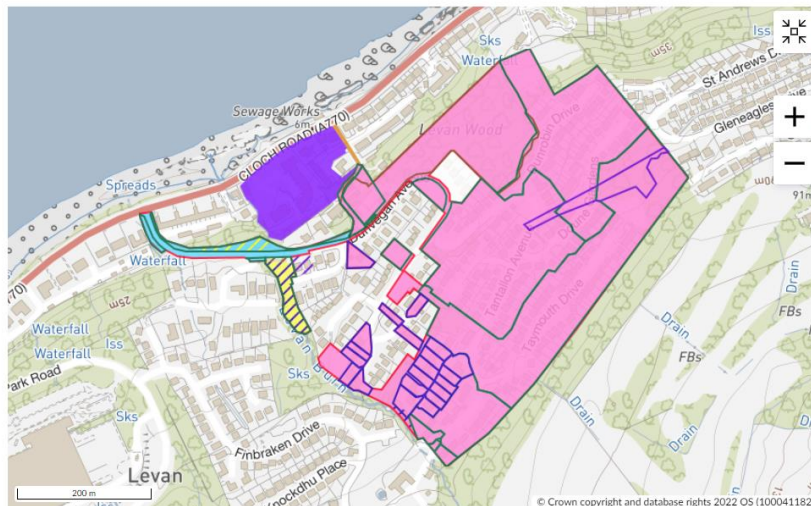
Property details

Title number	REN16
Address	LEVANNE GARDENS, GOUROCK PA191AL and 10 more What's This?
Last purchase price	Certain Good And Onerous Causes What's This?
Last purchase date	30 March 2017
Land register	Registered
Interest	Ownership What's This?
Property type	Land Only What's This?

Historical prices for this property

Only purchases recorded in the land register are shown.

Purchase date	Purchase price
18 October 2012	£1
11 November 1986	£1



This title covers a large area of the estate.

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The Planner notes in her report that the development of the application site would disrupt the historical pattern of the development and urban form which defines the character and amenity of the area.

It is clear to see from the maps provided that there is a variation in the pattern of the estate overall with new development having taken place on both the lower and upper parts of the estate since it was originally constructed.

House style varies throughout the estate with many properties having been extended in recent years and with the addition of new housing on several sites.

The Planner has included a paragraph written by a reporter on a previous refusal which reads:

The character of this residential development was adequately summed up by a Reporter on a previous refusal for the erection of a house on a nearby area of open space, as follows: "A combination of the sinuous road layout, the housing types used and the varying forms of interlinked open spaces creates a most pleasing harmonious open type of development in a location that enjoys spectacular views across the Clyde. The public open space in the vicinity of the site is well maintained and contributes to the high standard of amenity that is typical of an upper market housing development sited on the periphery of a town. There is a pleasing balance and uniformity in the layout."

The reporter acknowledges that there are varying forms of interlinked open spaces, this shows that not all open spaces must be the same, or stay the same to be of value. The enhancement of open space should be encouraged and the opportunity to utilise land efficiently should be welcomed. The sinuous road layout would be unaffected by our proposal.

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Policy 36 – Green Infrastructure

POLICY 36 – SAFEGUARDING GREEN INFRASTRUCTURE

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.

Development that would result in the loss of a core path, right of way or other important outdoor access route will not be permitted unless acceptable alternative provision can be made.

Policy 36 protects all open spaces which are of quality and value to the Green Network or have the potential to be.

Development is not permitted under policy 36 unless an open space of equal or enhanced quality and value is provided.

We have previously set out our objections to our application being refused due to the above reasons.

Although the open space is to be reduced in size the quality and value of the site are to be enhanced by the planting of native species attracting wildlife and pollinators creating a diverse ecosystem.

The main concern of the policy is the quality and value of the site and the contribution it makes to the Green Network our proposal can only be an improvement on the existing area of cut grass.

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2. Unacceptable with reference to being 'Distinctive'

Policy 1 of the Scottish Planning Policy is concerned with 'Creating successful places'

We have already covered our objections to this point in 1

3. Policy 18 of adopted and proposed local development plans

POLICY 18 - LAND FOR HOUSING

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure Through New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- that the proposal is for sustainable development; and
- evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Our application site is residential in an existing Housing Estate.

The Planner refers to Planning Application Advice Notes 2 & 3 In relation to the above policy.

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75/77 Albert Road
Gourock
Inverclyde
PA19 1NJ





PAAN 2

PLANNING APPLICATION ADVICE NOTES

Planning Application Advice Note No. 2

SINGLE PLOT RESIDENTIAL DEVELOPMENT

There is a constant demand to erect single houses, often within the grounds of large private gardens and occasionally on small derelict or undeveloped areas of ground. These developments are often beneficial, providing additional housing in sustainable locations and removing derelict and untidy sites from the streetscene.

This Advice Note provides guidance on the issues that are considered in determining planning applications for this type of development.

Infill plots will be considered with reference to the following:

- The plot size should reflect those in the locality.
- The proportion of the built ground to garden ground should reflect that in the locality.
- The distance of the building to garden boundaries should reflect that in the locality.
- The established street front building line should be followed.
- The proposed building height, roof design, use of materials and colours should reflect those in the locality.

- Ground level window positions should comply with the window intervisibility guidance. Windows on side elevations should be avoided where they offer a direct view of neighbouring rear/private gardens, but bathroom windows fitted with obscure glazing will be acceptable. As an alternative, boundary screening of appropriate height may be considered where the design and impact on neighbouring residential amenity is deemed acceptable.

- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9.0 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing.

- The level of on site car parking should accord with the National Roads Development Guide, should be comparable with the established pattern in the street and be capable of being implemented without detriment to road safety.

Applications in Conservation Areas

The Greenock West End and Kilmacolm Conservation Areas are characterised by substantial villas set in large gardens. Understandably, there has been pressure for infill residential development in these areas. Historic Environment Scotland's Policy for Scotland explains the Government's position. The Scottish Government requires the historic environment to be cared for, protected and enhanced. Development which does not respect the scale, design and detailing of existing buildings will not generally be supported.

Applications in the grounds of listed buildings

New development within the grounds of listed buildings must have regard to the following:

- The listed building should be maintained as the visually prominent building.
- The principal elevations of the listed building should remain visible from all key viewpoints. New building should not breach any close formal relationship between the listed building and traditional outbuildings.
- Formal gardens should not be affected.
- Developments in front gardens which damage buildings to street relationships will not be supported.
- If a listed building is proposed to be upgraded as part of any development, work requires to be implemented to the listed building as the first stage or as part of an agreed phasing scheme.

Trees

Some infill sites require tree felling to enable development. The Town and Country Planning (Tree Preservation Orders and Trees in Conservation Areas) (Scotland) Regulations 2010 deem that in all but exceptional circumstances, the consent of the Council is required to fell or lop any tree covered by a TPO (Tree Preservation Order) or within a Conservation Area. The promotion of TPOs is an ongoing process and, in assessing applications for development, the

We believe that our application should be approved in principle as we have carefully considered all points above when designing the layout of the proposed development. The site has been subdivided to retain an area for soft landscaping with the residential curtilage being similar in size to surrounding plots.

The shape of the plot did present some challenges which led to the garage being situated to the South of the plot but respecting the building line on this side of the road with the house being situated on the North of the plot, respecting the building line and potentially taking advantage of the views.

As previously outlined the distance to the boundary is 2 metres for both the house and the garage, this is similar to the distance to boundary at number 24 Dunvegan Avenue.

It is noted on our drawing that materials should match the existing houses adjacent.

The building height and roof design would only be detailed in a full planning application.

The detailing of windows would be covered by a full planning application.

Principal: Richard D Robb, BArch, DipArch (Mackintosh), RIBA, ARIAS, MAPS

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There are currently 4 houses which all have driveways which are accessed off the existing bend in the road and neighbouring properties to the west of the garage and the house with driveways accessed near to the bend. It is therefore anticipated that there would be no detriment to road safety.

PAAN 3

PLANNING APPLICATION ADVICE NOTES

Planning Application Advice Note No. 3

PRIVATE and PUBLIC OPEN SPACE PROVISION in NEW RESIDENTIAL DEVELOPMENT

Open space provides two important functions; it contributes to "Placemaking", providing space around and setting for buildings helping to establish the impression of an area, and it can be used to provide areas for outdoor leisure.

This Advice Note provides guidance on the required levels of public open space and private garden ground that should be included in new residential developments.

Types of development

No two sites are the same and residential development can range from the single house to sites in excess of 100 units. The standards required vary depending upon the scale of the development. The following definitions apply:

SMALL SCALE INFILL, INCLUDING SINGLE PLOTS

- 10 houses or fewer in a vacant / redevelopment site within a built up area.

LARGE SCALE INFILL

- more than 10 houses in a vacant / redevelopment site within a built up area.

GREENFIELD / EDGE OF TOWN

- the development of a site on the edge of or outside a town or village.

FLATTED INFILL

- the development of flats, irrespective of number of units, on a vacant / redevelopment site within a built up area.

FLATTED DEVELOPMENT WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF TOWN SITE

- the development of flats, irrespective of number of units, as part of a larger infill development within a town or village, or on a greenfield / edge of town or village site.

Private Garden Ground

SMALL SCALE INFILL DEVELOPMENTS, INCLUDING SINGLE PLOTS

- new development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. In all instances the minimum window to window distances below should be achieved.

FLATTED INFILL DEVELOPMENTS

- flats should reflect the existing scale of buildings and townscape in the immediate environs. Open space need only be provided where surplus land is available following the provision of any off-street parking required.

LARGE SCALE (INFILL) OR GREENFIELD / EDGE OF SETTLEMENT SITE

- the following minimum sizes shall apply:
 - Rear / private garden depth - 9 metres, although where the rear garden does not back onto residential property or where dwellings in

neighbouring properties are significantly distant, this may be reduced if an area of screened side garden of size equivalent to a rear garden with a 9 metre depth can be provided.

- Front / public garden depth - 6 metres to the main wall.
- Distance from house to side boundary - 2 metres.
- Distance from house to side boundary when the house has an attached garage - 3 metres.

FLATTED WITHIN A LARGE SCALE INFILL OR GREENFIELD / EDGE OF SETTLEMENT SITE

- 10 square metres per bedspace based upon an occupancy rate of two persons per double bedroom and one person per single bedroom.

Public Open Space

In developments other than small scale infill and flatted infill sites, public open space is required to be provided to achieve both an appropriate landscape setting for the development and play space.

In such circumstances the following criteria will apply:

- Public open space should be provided at the indicative ratio of 1.64 ha per 1000 population. Population estimates are based upon occupancy rates of two persons per double bedroom and one person per single bedroom.

- It will be the responsibility of the developer to equip the play areas. Children's play areas and kickabout areas should comprise 0.32 ha per 1000 population.

Our application is categorised as a 'Small scale infill, including single plots'

We have previously shown that there is an excess of public open space available for the residents of Castle Levan Estate.

Properties on the estate also benefit from having their own private gardens which can be utilised as amenity space.

The principle of residential development at this location is not in accordance with the guidance within PAAN 2 and PAAN 3 as this site does not present a derelict or unused area of ground. On the contrary, it is a valued amenity open space which defines the character and form of the wider residential development. Design is indicative only within a planning permission in principle application

Principal: Richard D Robb, BArch, DipArch (Mackintosh), RIBA, ARIAS, MAPS

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Conclusion

We believe that our Planning Application in Principle should be Approved by the Local Review Body.

We have shown in our evidence above that we have, as far as is possible for an Application in Principle, satisfied all of the Planning Policies relevant to our application.

The application site has always been privately owned land ever since it was sold by the developer Henry Boot Construction in 1982.

Our Client is committed to delivering a sensitively designed, high quality development of the site for use as his own family home.

Principal: Richard D Robb, BArch, DipArch (Mackintosh), RIBA, ARIAS, MAPS

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**11. FURTHER REPRESENTATIONS SUBMITTED
FOLLOWING RECEIPT OF NOTICE OF REVIEW**

27 Dunvegan Avenue, Castle Levan Estate, Gourock, PA19 1AE

7th November 2022



Head of Legal & Democratic Services,
Inverclyde Council,
Municipal Buildings,
Clyde Square,
Greenock,
PA15 1LY.

Your Ref: LRB CM

Dear Sir,

PROPOSED PLANNING APPLICATION APPEAL: 21/0090/IC

As part of the review to be held by the Local Review Body in connection with the decision to refuse planning permission, for the site address of Plot to North East of 22 and 24 Dunvegan Avenue, Gourock I wish to make further representation on this subject.

I would like to revert back to the initial planning application by Henry Boot Homes, approximately 1977, to the then Inverclyde District Council, to develop the Castle Levan site. I am led to believe (by earlier residents on the estate) that part of the submission by Henry Boot Homes stated that amenity open spaces would be included in the design/layout, with a vision to create a pleasant, welcoming and balanced open development in which to live. Subsequently their planning proposal was then approved by IDC on that basis, however to date, individual house builders now wish to overrule this decision and build on every established amenity open space, to the detriment of the residents. This is evidenced by a further planning appeal due to take place, similarly within Dunvegan Avenue, for an additional property to be built on another designated open space. Should planning permission be granted for this current appeal it would create a precedent making it difficult to object to similar proposals on the few remaining amenity open spaces and there will soon be nothing left of the original plan for residents to enjoy and appreciate.

The appeal stated that as you go further up the hill to the Tay Homes Development there are already houses on corner plots. The picture taken of Tantallon Avenue, depicts a road leading to a much quieter area into the cul-de-sac of Taymouth Drive, therefore the volume of traffic is less at this corner, with only actual residents of Taymouth Drive turning here. In addition the house was not built on an original designated amenity open space.

I would also like to point out that when the Henry Boot Homes phase was completed, it was a much quieter estate with less commuter traffic, therefore negotiating entry and exiting driveways was not an issue for residents at numbers, 25,27,29 and 31. However, with Tay Homes extending the estate in 1985, Dunvegan Avenue became extremely active with it being the only road for everyone to enter and exit the estate. As stated in the appeal documentation there are approximately 2350 people living on the estate and with people now having 2/3 cars in the driveways all residents must exercise extreme caution when coming to the hilly u-bend in Dunvegan Avenue, in both directions. Consequently, there is an issue of traffic on the sweeping bend at the proposed site, as the bend requires to be free of traffic, giving drivers a clear view of the road allowing it to be safely negotiated in both directions, and it is concerning that the proposed dwelling and a garage with 2 driveways may impede sight lines.

Should construction begin at the site, there is the possibility of Health & Safety concerns, i.e., emergency service vehicles may be required on the estate at any time and could be blocked by building materials being delivered; workforce vehicles being parked on the u-bend etc., all of which will cause considerable upheaval to the estate traffic, all should be taken into consideration when deliberating the appeal.

With regards to there being no dog waste bins nearby resulting in dog waste being left on the site - there are currently three bins sited throughout Dunvegan Avenue, one being situated near the site, (installed by IC), therefore the "waste" being left on site must be the wildlife, deer and foxes who roam freely there.

The point raised regarding properties on the estate benefiting from having their own private gardens which can be classed as amenity space - those gardens are just that - private property and not for public use. Therefore open green spaces are highly valued by residents of the estate who do not have a garden adjoining their property.

It must also be contemplated why Henry Boot Homes designated that particular land as an amenity open space by not building on it themselves to sell more houses. There must have been a reason for this, perhaps they installed all of the drains/utilities for the estate underground and that is why the appeal stated the ground was uneven with raised metal covers. Should building excavation works commence at the site there is the possibility it would have a big impact on the estate with disruptions to utility services.

The issues of the loss of amenity open space as detailed in the LDP, together with the traffic on a potentially dangerous hilly u-bend, all of which are of concern and raised in the original objections are still valid, making this site not appropriate for development.

Yours faithfully



Irene Black

7 Tantallon Ave
Gourock
PA19 1HA
12 /11/ 22

Mr S Jamieson
Interim Director
Environmental & Regeneration
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Dear Mr Jamison

REVIEW OF DECISION TO REFUSE PLANNING PERMISSION

Reference 2110090/IC

Applicant Mr D Middlesworth

Plot to North East of 22 and 24 Dunvegan Ave, Gourock

I refer to your recent letter regarding the above and I write to confirm my continued objections to the above submission and I would wish to confirm that my views have not changed since my original submission.

Yours sincerely

Catriona Chambers

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: review land between 22 to 24 Dunvagen Ave Gourrock
Date: 07 November 2022 17:53:08

Hi

I would like to raise concerns regarding review of land between 22 to 24 Dunvagen Ave Gourrock

.

Ref planning number 22/0090/IC

The bend on the road is such that you can only ever see half way round the bend at any time. When going up bend if Bin lorry for example is there you are faced with choice of being patient and waiting for bin lorry to clear away from bend or overtaking it,if you choose to overtake you hope no cars suddenly appear coming down at the same time this then puts down facing traffic the need to stop to allow you to continue to overtake,sometimes both vehicles having to brake if down facing vehicle is going to fast.Also the loss of open space is against part of reason people moved in to Castle Levan estate where children in particular can play in the open spaces.

Regards
Robert Craig

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Plot to North East of 22 and 24 Dunvegan Avenue, Gourrock - Inverclyde Council Local Review Body
Date: 14 November 2022 21:55:50

Dear Sir,

I write in response to your email in regard to the proposed IC Local Review Body for the noted development, which is directly across the street from my house.

In response to the proposed review, I would request that the following be taken into consideration:

Open Space - History.

This land forms part of the initial layout of the Castle Levan estate, as agreed between the developer at the time ([REDACTED]) and Inverclyde Council. Several home owners on the estate have original drawings which CLEARLY show that this land is an "Open Space" and on the drawings is marked as "For Resident Amenity". The agreement between the developer and the Council was that there would be a Rates increase for the estate which would be agreed by the developer if the original plans for open spaces was agreed and maintained by the Council. This agreement was in place until around 2016, when [REDACTED] approached the Council with an offer to buy any plots of land in the estate.

THIS OPEN SPACE LAND WAS NEVER THE COUNCILS TO SELL AND SHOULD NEVER HAVE BEEN SOLD TO [REDACTED] - IN DOING SO THE COUNCIL HAS BREACHED THE ORIGINAL DEVELOPMENT AGREEMENT.

THIS AGREEMENT AND THE OPEN SPACES FORM PART OF THE ORIGINAL DOCUMENTATION THAT THE COUNCIL ITSELF HAS REFERRED TO AS IC/77/115.

Local Development Plan - as set out by Inverclyde Council

This proposal does not meet the Councils own Local Development Plan - and as such should not have come up for review.

I would ask you once again to refer to the Local Development Plan (LDP) policy number 35 and 36 on pages 42 and 43 respectively in regard to this proposal and review.

Whilst the site is not designated open space it is amenity open space within the housing estate. Policy 35 of the adopted LDP and Policy 36 of the proposed LDP relate to Open Spaces and presumes against the loss of such spaces. I do consider it necessary that the loss of such a space will need to be justified against these policies. I consider this to be a key issue and concern in this instance - and it CANNOT be overlooked.

Traffic Measures on Dunvegan Avenue

Over the 28 years I've lived here, there have been several applications for builds in Leavn Wood - all of which have been turned down by the Council due to traffic concerns - THIS IS NO DIFFERENT.

Dunvegan Avenue at this location is a 180 degree switchback bend with an elevation drop of around 50 feet. This bend is used daily by residents as a challenge to their driving skills, resulting in excess speed and sometimes collisions. The drivers view up and down this bend is notoriously difficult to see and we have had instances of cars mounting pavements to avoid collisions - I have even had a car drive around me and into my garden as I reversed out from my drive.

There are NO road markings on this road to prevent parking on this bend and so any kind of builders traffic would result in this bend being turned into a hazard for every driver using it. There are simply no spaces available for the kinds of vehicles to park that we saw when the Council allowed the development of the house on the North side of the Avenue that was built

by [REDACTED].

Residents Reversing out from Numbers 25-31A Dunvegan Avenue

Myself and my neighbours at 25-31A Dunvegan Avenue fight a constant battle to reverse our cars out into the road - as above on the bend at this proposed development.

As described previously, the switchback nature and elevation change on the road mean that we often have to check VERY carefully when exiting our drives. Any increased traffic in this area would result in an almost blind maneuver in trying to reverse out of our own drives and could be considered as an accident waiting to happen.

I WOULD URGE THE COUNCIL REVIEW BODY MEMBERS TO VISIT MY DRIVEWAY AND SEE THE CHALLENGES THAT I FACE ON A DAILY BASIS TO APPRECIATE THE VERY LITTLE LINE OF SIGHT THAT I CURRENTLY HAVE UP AND DOWN THIS ROAD, AND TO CONSIDER THE IMPACT THAT A DEVELOPMENT ON THIS SITE WOULD CAUSE FOR ALL OF THE DRIVERS THAT USE THIS ROAD DAILY.

In conclusion:

- This land was never the Councils to sell - the Council needs to refer to its own history of IC/77/115
- It should never have been sold to [REDACTED] - as it was never theirs to sell
- It was, is and should always have been regarded as "Open Space" (it even says so on the Land Registry documents in Edinburgh, which several residents have copies of)
- This application does not even meet with the Councils own Local Development Plan rules
- There has been NO CONSIDERATION given to the layout of the road, any impact on line of sight for drivers or the increase that parked vehicles would have on drivers
- There has been NO CONSIDERATION given to the owners of house at 25-31A in respect to their ability to safely enter and exit their driveways in the event of this application going ahead
- There has been no review by Police Scotland carried out to determine the effect on driving conditions in the event of increased traffic in this area

It is my position that this development review should be dismissed for the reasons outlined above.

It is also my intention to appeal a decision if this review is granted.

Yours Sincerely,

Andrew H Currie
25 Dunvegan Avenue
Gourock
PA19 1AE

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Plot to North East of 22 and 24 Dunvegan Avenue, Gourrock - Inverclyde Council Local Review Body
Date: 07 November 2022 17:56:28

Good afternoon

Thank you for your email regarding the above proposed development.

I would just like to reiterate our objection to this. We need green areas. I do not believe we need a further house with several garages - which as I understand it, are not to be used by that property.

Having further buildings built instead of retaining the green areas is not going to help with the soaking up of the rain we are getting now and will get in the future. There is already a burden on the drainage system and I believe to lose that area would be folly.

The late Queen wished a legacy for her Platinum Jubilee to include the planting of trees, what a pity to put up buildings instead of planting trees or leaving a grassy area alone for the enjoyment and use by dog walkers and the locals. There are a couple of mature trees and some shrubbery on the plot which provide much needed habitat for local garden birds. It would be a great shame to lose this which would be inevitable should this proposal proceed.

Thank you for your time.
Janice and Tom Hawton

Sent from my iPad

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Plot to North East of 22 and 24 Dunvegan Avenue, Gourock - Inverclyde Council Local Review Body
Date: 02 November 2022 09:24:09
Attachments: [L Ack LRB Representations.pdf](#)

Dear Colin

I feel very strongly regarding these plans not only that this is amenity space for the residents of this estate but the fact that we have not seen the actual complete drawings . I believe they were submitted as a rough design so therefore no true drawing of said garage that it is not a part of the main property and seems to be higher (then the 8ft height as deemed throughout the estate stipulations!) The exit from said garage is on the bend and opposite the main road from Tay homes estate another dangerous area .

The people who live at NO .22 who I see are having a terrible job coming out of their driveway as it is I have parked on their drive and it's not easy with traffic coming down the hill .

As I said in my original objection that this is an extremely dangerous bend the cambers are all wrong both coming up and down and you really need to look from the top to see for vehicles coming up the hill , and like ways going up especially with the sun low in the sky .

There have been frequent near misses and some where cars have landed up in gardens , this is a dangerous bend , and vision and sight lines are important .

Regards Lynn Perkins

1 Brodick Drive

Gourock

PA19 1AF

[REDACTED]
Sent from my iPad

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Plot to North East of 22 and 24 Dunvegan Avenue, Gourrock - Inverclyde Council Local Review Body
Date: 10 November 2022 19:39:00

Dear Colin

I have for the last 40 plus years I have been rather proud of living on this clean and well kept estate at Castle Levan in the area of Henry Boot homes , we had our amenity areas which had the grass cut twice a month obviously part of our rates but if it kept it all clean and tidy then that was a bonus . The weed killing on the pavements and Road edges (which now look rather sad) ,

We regularly have visits of roe deer with their young , hedgehogs, foxes and badgers and then we suddenly we discover that the land is up for sale and the grass is no longer being cut and weeds along the edges of the road and pavement's. We have yet to be advised of the lack of these services .

We than have property developers appearing and asking questions , plots of land being advertised for property development etc etc . To be honest a couple of us have bought some of the land on Brodick Drive not to build on but to have some open space for our families.

With so many objections in the initial planning and the absolutely disgusting acts of the property developer I really hope this will be the end of it and we can then move forward to getting the whole area cleaned up to bring it back to something we can be proud of once again !

Regards Lynn Perkins 1 Brodick drive

Sent from my iPad

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Further Representations on PLANNING PERMISSION IN PRINCIPLE, APPLICATION NO 22/0090/IC
Date: 11 November 2022 15:41:49
Attachments: [2022_04_Inverclyde Planning Objection.docx](#)
[Levan Farm Estate 1979.docx](#)

Dear Colin, further to the objections I raised when the planning permission in principle was submitted in April of this year (see attached Word document for my objections), I would like to make the following representations, having read the "Notice of Review Supporting Report 547287" dated 21/10/2022.

As shown in the second attachment (Levan Farm Estate 1979), this area had no constructions on it, has remained so far the past 43 years and should continue as such.

I believe that the main reasons that this corner site was left undeveloped since 1979 are two-fold.

1) Road safety - the architect states that the site is on a slope but does not provide sections along what he calls 'traffic sight lines to be maintained' on the block plan 526251!

As a regular user of the road since 1979 by car, by bicycle and on foot, I can assure him that this is a dangerous corner and any obstruction of existing lines of sight would heighten the danger.

2) Run-off management

The hillside above this corner, in general, has very few remaining green spaces to absorb what can be considerably heavy rains throughout the year due to existing constructions, block paving replacing gravel surfaces, gardens paved over etc, and roads and pavements.

This area is one of the remaining areas absorbing rainfall and thereby lessening the effect of run-off on the lower parts of the estate.

In the review the architect refers to two properties, one at 13 Dunvegan Avenue and the other between numbers 34 and 36.

This latter area was clearly identified and used as public open space into the early 21st century.

The property at 13 Dunvegan Avenue and the new construction between numbers 34 and 36 do not enhance the estate in any way.

Finally, may I ask if 'planning permission in principle ' is awarded, does the applicant have to resubmit an application for planning permission?

Would this application follow the same procedure as any other application?

Yours sincerely, Ian Smith

2022 04 Planning Objection Comments

Contrary to the item 'Trees' on page 4 of the Application form there are currently 2 trees on the site (photos from 25/04/2022 available).

1) This estate was designed with green spaces included - they are being progressively removed to the benefit of private individuals. This should not be allowed.

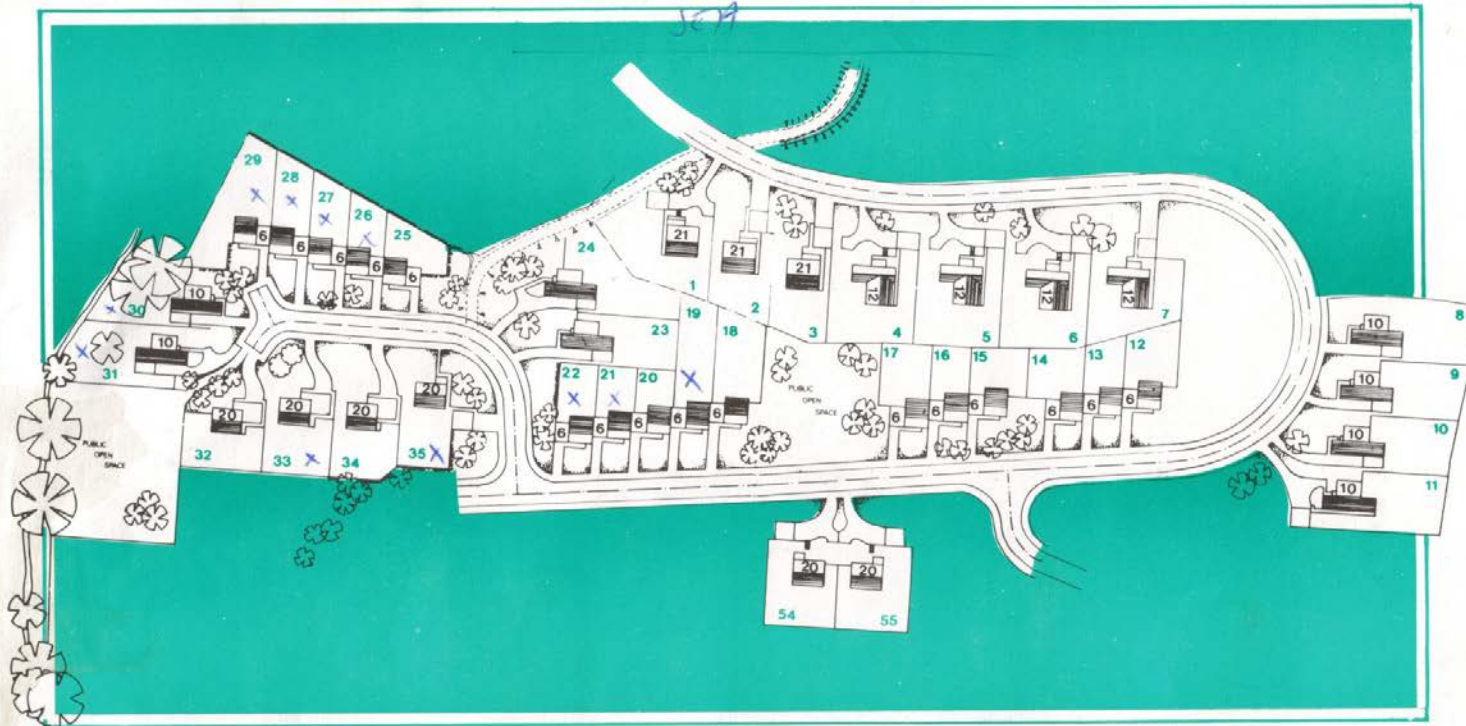
2) The planning request would situate a house on a corner (road 180° round it) and endanger the views for traffic (vehicular and pedestrian) ascending / descending Dunvegan Avenue.

3) Entry and egress to the property would be out of view of traffic arriving into the corner for both the driveways to the garage and to the house.

4) The construction process of a property on this site would entail unacceptable danger for road and pavement traffic and for entry and exit to the existing properties opposite

I strongly object to this proposal.

Gourock



LEVAN FARM

Set in one of Scotland's most attractive and sought after districts, this exciting development nestles in and beyond the grounds of the Old Levan Castle on the banks of the Clyde with magnificent panoramic scenery over the majestic Firth of Clyde to the mountains of Argyll beyond.

The site which is approached through pleasant woodland from the Gourock coast road provides an ideal setting for our distinctive dwellings with five different styles to choose from.

The range includes desirable 3 bedroom split level houses, 3 bedroom bungalows and 4 bedroom executive style houses all with

garages. The larger dwellings have double garages and a number have been designed with a roof terrace over.

Spacious areas of grassland for general amenity purposes will be provided and a tree planting scheme will be carried out to supplement the many mature trees retained within the scheme.

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Ref 21/0090/IC Planning Permission Refusal Review
Date: 11 November 2022 12:45:45

Good afternoon,

Thank you for your letter of 31 October in respect of the above appeal.

Since my last letter of 28th April was sent to you, I have investigated further the details set out in my agreement with Henry Boot Construction Ltd on 11th October 1978, and confirm that in that agreement the boundary of my land adjacent to the area in question is described as "on or towards the North East by an area of **Public Open Space**". As part of that legal document there is a plan signed and sealed by Henry Boot Director and Secretary, which clearly shows the area in question bordered by my land and no 24 Dunvegan Avenue..

The agreement further confirms that the as and when the Local Authority takes over the areas of amenity ground and public open spaces,, they will maintain and repair the areas. The Local Authority have carried out this maintenance and repair for the last 43 years.

It is my contention that this confirms that the area is Public Open Space and that Inverclyde Council Planners are correct in their decision to refuse the application for Planning Consent.

Kind Regards

Alisdair Tannahill

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Plot to North East of 22 and 24 Dunvegan Avenue, Gourock - Inverclyde Council Local Review Body
Date: 02 November 2022 21:41:49
Attachments: [L Ack LRB Representations.pdf](#)
[ATT00001.htm](#)

Ref attached.

The issue of the loss of open space in the estate is a major objection from me and the issue of traffic on the bend at this site is also a prime objection. Drivers coming up and down this bend require it to be free of traffic to allow it to be safely negotiated. Houses on the bend require line of sight both up and down the road to allow them to use their driveways, and development of this site will seriously cause safety issues.

The refusal of planning permission should remain.

George Wall
8 Culzean Drive
Gourock
PA19 1AW.

Sent from my iPhone

12. DOCUMENTS SUBMITTED BY RICHARD ROBB ARCHITECTS IN RESPONSE TO FURTHER REPRESENTATIONS

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100554315-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Site Address Details

Planning Authority:

Inverclyde Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

plot to North East of 22 and 24 Dunvegan Avenue, Gourock

Northing

676482

Easting

221805

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Richard Robb Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Richard	Building Name:	
Last Name: *	Robb	Building Number:	75-77
Telephone Number: *	01475 630877	Address 1 (Street): *	Albert Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gourock
Fax Number:		Country: *	UK
		Postcode: *	PA19 1NJ
Email Address: *	info@scotlandarchitects.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	David	Building Number:	26
Last Name: *	Middlesworth	Address 1 (Street): *	Beithglass Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Skelmorlie
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA16 1YQ
Fax Number:			
Email Address: *	[REDACTED]		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100554315-002, application for Notice of Review, submitted on 21/10/2022

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Response to further representations

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Richard Robb

Declaration Date: 30/11/2022

Planning Application in Principle for Proposed dwelling house and detached garage – at plot to North East of 22 and 24 Dunvegan Avenue, Gourock (22/0090/IC)

Response to further representations.

Introduction

In the following pages we have complied a thorough and complete response to all points raised by the further representations received.

From our review it is apparent that the main issue raised by the further representations relates to the development of the application site based on its assumed land designation.

It has been stated within these representations that this land is or has been designated as amenity/public open space as part of the original development.

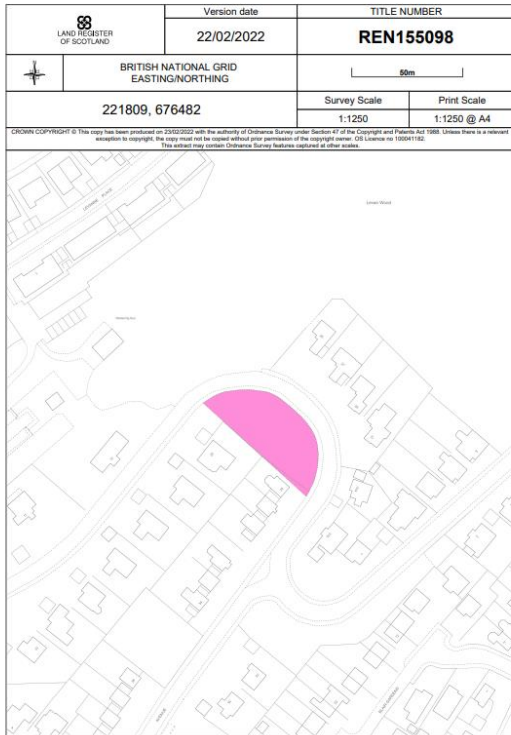
It is understandable that the local residents, who have become accustomed to using this space, may object to change and feel it should remain undeveloped.

However, there is no record or evidence to confirm that the application site was ever designated as Public Open Space.

In addition to the above the land in question and subject to this application for Planning Permission in Principle, has always been privately owned. This is confirmed by the provided Titles shown on the following pages.

It must be made clear that the application site is and always has been privately owned.
Title No REN155098

The Title below shows the date of first registration of the site in the Land Register of Scotland, noted as 06/04/1981.



REN155098 Page 1 of 1

LAND REGISTER OF SCOTLAND

TITLE NUMBER REN155098 A 1

A. PROPERTY SECTION

DATE OF FIRST REGISTRATION
06 APR 1981

DATE TITLE SHEET UPDATED TO
14 FEB 2022

REAL RIGHT
OWNERSHIP

DESCRIPTION

Subjects cadastral unit REN155098 on the south west side of DUNVEGAN AVENUE, GOUROCK tinted pink on the cadastral map.

The Registers of Scotland have categorised the land as ‘Residential’, as shown below:

DUNVEGAN AVENUE, GOUROCK

Property details

Title number	REN155098
Address	DUNVEGAN AVENUE, GOUROCK
Last purchase price	£20,000
Last purchase date	4 February 2022
Land register	Registered
Interest	Ownership What's This?
Property type	Residential What's This?



Title REN16, shown below, details the private sale of various plots within the estate including the application site, dating back to 06/04/1981:

REN 16 – Title Sheet (extract)

02/08/2022, 09:01

ScotLIS - Title Information - REN16

Section A

REN16

Property

Date of first registration	06-04-1981
Date title sheet updated to	14-02-2022
Hectarage Code	17.3
Real Right	OWNERSHIP
Map Reference	NS2176
Title Number	REN16
Cadastral Unit	REN16

Sasine Search

Property address

CLOCH ROAD, GOUROCK DOUNE GARDENS, GOUROCK PA191EA
DUNROBIN DRIVE, GOUROCK PA191EB TANTALLON AVENUE,
GOUROCK PA191HA TAYMOUTH DRIVE, GOUROCK PA191HJ BLAIR
GARDENS, GOUROCK PA191HB 7 TO 35 (ODD NUMBERS)
DUNVEGAN AVENUE, GOUROCK PA191AE 37 TO 43 (ODD NUMBERS)
DUNVEGAN AVENUE, GOUROCK PA191AJ 10 TO 44 (EVEN NUMBERS)
DUNVEGAN AVENUE, GOUROCK PA191AE 46 TO 52 (EVEN
NUMBERS) DUNVEGAN AVENUE, GOUROCK PA191AJ LEVANNE
GARDENS, GOUROCK PA191AL

Description

Subjects cadastral unit REN16 lying to the south of CLOCH ROAD, GOUROCK comprising DOUNE GARDENS, GOUROCK PA19 1EA, DUNROBIN DRIVE, GOUROCK PA19 1EB, TANTALLON AVENUE, GOUROCK PA19 1HA, TAYMOUTH DRIVE, GOUROCK PA19 1HJ, BLAIR GARDENS, GOUROCK PA19 1HB, 7 TO 35 (ODD NUMBERS), DUNVEGAN AVENUE, GOUROCK PA19 1AE, 37 TO 43 (ODD NUMBERS), DUNVEGAN AVENUE, GOUROCK PA19 1AJ, 10 TO 44 (EVEN NUMBERS), DUNVEGAN AVENUE, GOUROCK PA19 1AE, 46 TO 52 (EVEN NUMBERS), DUNVEGAN AVENUE, GOUROCK PA19 1AJ and LEVANNE GARDENS, GOUROCK PA19 1AL edged red on the cadastral map being 17.29 hectares in measurement on the Ordnance Map; with Teinds exigible from the part tinted pink on the cadastral map; Together with (First) a servitude right in favour of the subjects shown tinted blue, tinted yellow and hatched brown on said map and other subjects of wayleave for pipes sewers drains cables and others serving the said subjects, over in and upon the remaining portion of the property of Castle Levan shown tinted mauve on said map, with a right of access to the said remaining portion on all necessary occasions for inspection repair and renewal of all such pipes sewers drains cables and others subject to making good all damage arising in any manner through the exercise of the foresaid rights, (Second) ish and access to the part tinted pink on said map by the private access road tinted brown on said map and (Third) the servitude right contained in the Deed of Servitude in Entry 5 of the Burdens Section.

 75/77 Albert Road, Gourock, PA19 1NJ

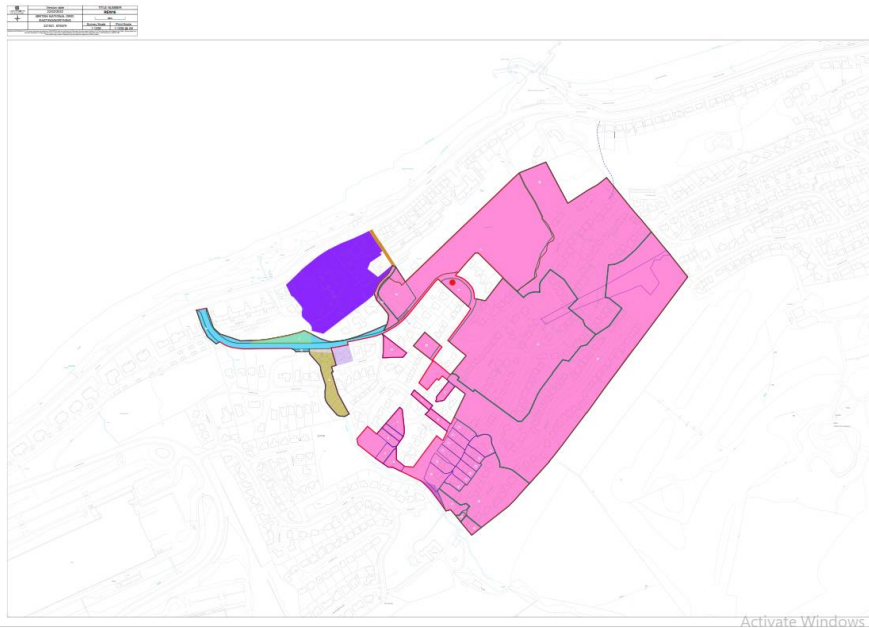
 www.richardrobbarchitects.com

 info@scotlandarchitects.co.uk

 01475 630 877

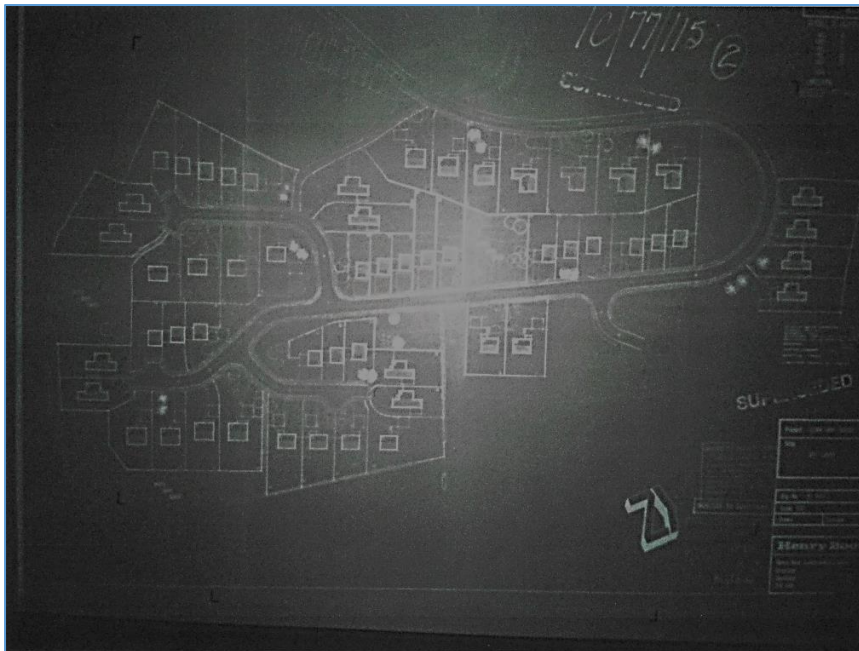


REN16 – Title Plan



The application site can be seen on the Title Plan above, marked by a red dot.

Furthermore, a copy of the original plan/layout of the estate which was submitted as part of the original Planning Application by Henry Boot Homes confirms the application site was not designated as Public open space. It does however show that there was consideration of Public Open Spaces with three separate suitable areas specified within the development. Please see layout below for reference:



Richard Robb ARCHITECTS

Please find our response to each further representation by objectors to our proposals below:

1. Ms Irene Black

Henry Boot Homes Plan for Dunvegan Avenue:

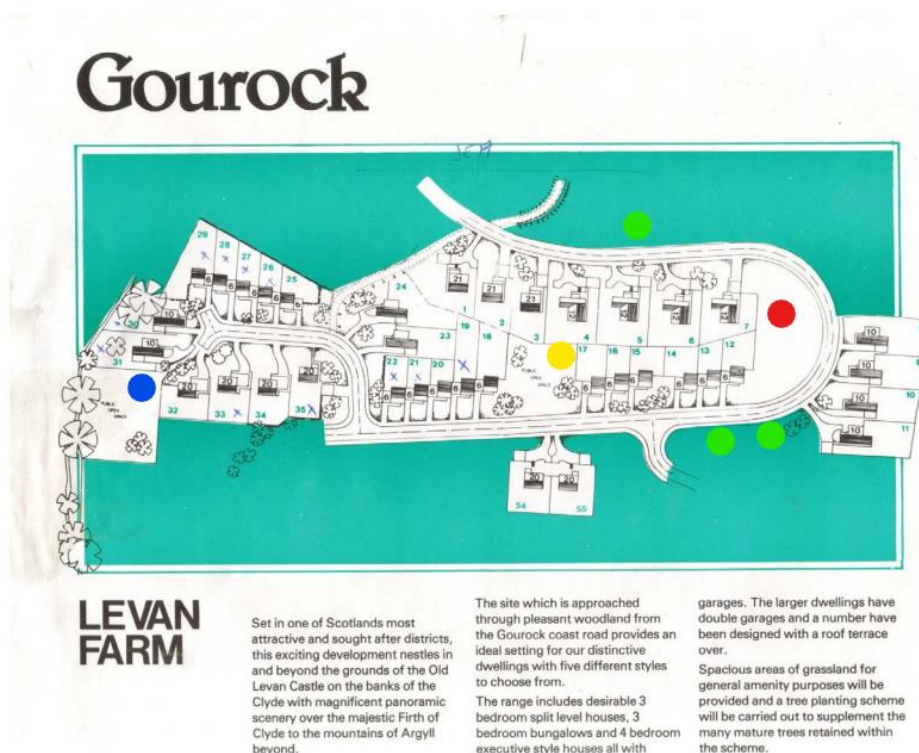
Plot marked in yellow – Noted on plan as Public open Space – Now occupied by one detached property with Planning Permission approved for one further detached house.

Plot marked in red – Application Plot – No land designation noted.

Plots marked in blue – Noted as and remains Public open space.

Areas marked in bright green – Now occupied by no's 13, 31a & 31b Dunvegan Avenue.

File submitted by Mr Ian Smith



It can be seen from the above plan, provided by a resident of the estate, that our application site was **not** designated as 'Public Open Space' on the original Henry Boot plan for the estate.

There are however other plots set out as 'Public Open Space'. This is further evidenced by the Plan below which was submitted as part of the original Planning Application by Henry Boot Homes. There is also evidence of further development sited on Dunvegan Avenue, outwith the original plan, noted by the green marks at numbers 13, 31a & 31b Dunvegan Avenue.



Corner Plots

There are several examples in the surrounding area of development of corner plots, please see the examples below:



Site Health & Safety - Parking

All vehicles would be parked safely on a designated area of the site during construction. There would be no vehicles parked on the road and therefore no detrimental effect to any emergency or service vehicles.

Traffic Sight Lines

Traffic sight lines would not be affected by the proposed development of the site. Please see Drawing No 1006 ST/01.

There were no unusual concerns raised by the Roads Department under their consultation during the application process.

Building Lines

The proposed house and garage have been set back in line with the existing neighbouring properties.

Animal Waste

Without expert examination of the animal waste left on the site it cannot be determined which animals are leaving waste. any waste left lying on an area of land which is open can be a health hazard.

Private Property

It is to be noted that the application site is and always has been privately owned, just as the respondent's garden is.

Utilities

A full utility search has been carried out and the development proposed could be completed without impact.

Loss of Amenity Open Space

There is no evidence that the application site was ever designated as Public Open Space.

2. Ms Caitriona Chambers

No Comments.

3. Mr Robert Craig

Traffic Sight Lines – Please see Drawing No 1006/ST/01

Traffic sight lines would not be affected by the proposed development of the site.

There were no unusual concerns raised by the Roads Department under their consultation during the application process.

Children's Play Areas

The application site does not meet the criteria set out by the Council for the Location of Play areas. Please see extract from Supplementary Guidance on PAAN (Adopted October 2020) below:

Location of Play Areas

- Play areas should be located to ensure that they are overlooked, but at the same time must be positioned at least 10 metres distant from the boundary of the nearest residence.

4. Mr Andrew Currie

Open Space

Please see our response to Ms Black which details the land designation of the application site.

We would like to be clear that the application Site **is and always has been** privately owned. At no time has this site been owned by or sold by Inverclyde Council. Please refer to Title REN16 which details the private sale of various plots within the estate dating back to 06/04/1981.

Inverclyde Council have not been involved in any maintenance of the privately owned vacant plots on the estate since it was proved that they did not enter into any agreement to do so.

Extra Rates Paid By Residents

The rates paid by the residents of the estate are in line with all other rate payers in Inverclyde, properties are evaluated by the Joint Valuation Board and the relevant rate of Council Tax is paid accordingly.

Local Development Plan

The applicant has stated that any trees would be replanted or replaced like for like on the site with additional low level planting of indigenous species to encourage pollinators providing an area of enhanced quality and value to the surrounding area and the environment.

Traffic Sight Lines – Please see Drawing No 1006/ST/01

Traffic sight lines would not be affected by the proposed development of the site.

There were no unusual concerns raised by the Roads Department under their consultation during the application process.

Traffic Calming

The concerns of this respondent may be better addressed by approaching the roads department directly, requesting a traffic survey to assess whether traffic calming measures would be beneficial.

Residents Reversing out from Numbers 25 – 31 Dunvegan Avenue

It is to be noted that most residents of the properties at no's 25, 27, 29 & 31 Dunvegan Avenue prefer to reverse into their drives as can be seen from the image below.



Refusal of Planning Applications

Of the applications available to view on the Inverclyde Council Planning online list of previous applications the refusals of Planning Permission relate to two sites, one at No 13 Dunvegan Avenue and one for Land between 34 & 36 Dunvegan Avenue. Planning Permission was been granted for both sites at Review. Any concerns relating to traffic must therefore have been proved to be unfounded.

Other refusals relate to extensions, fences and applications which are currently under review.

5. Ms Janice Hawton & Mr Tom Hawton

Garage

We would like to be clear that there is only one proposed garage on the site, intended for private use by the homeowner.

Rainwater & Drainage

There were no concerns noted by the Planner regarding Policy 9 – Managing Flood Risk or Policy 10 – Surface and Waste Water Drainage.

Scottish Water have also confirmed that there is sufficient capacity to deal with rain/waste water from the site.

In addition to the above a large proportion of the site will remain green with more planting than there is at present, therefore increasing the areas capacity to soak up water.

Trees

The proposed development of the site includes planting more shrubs and retaining/replacing the trees which are already present, enhancing the quality and value of the area.

6. Ms Lynne Perkins

Detailed Design

As our application is for Planning Permission in Principle a detailed design is not required. Given that the design is not yet detailed it is not possible for anyone looking at the plan to know what height the garage will be.

Traffic Sight Lines – Please see Drawing No 1006/ST/01

Traffic sight lines would not be affected by the proposed development of the site.

There were no unusual concerns raised by the Roads Department under their consultation during the application process.

Disgusting Acts of Property Developer

We believe that this comment relates to Planning Application Ref. No: 22/0169/IC Land at Dunvegan Avenue (adjacent to sub station) Gourrock.

The applicant for our site has maintained the site well since purchasing it, at great cost to himself. The grass has been regularly cut and no trees have been removed.

7. Mr Ian Smith

Traffic Sight Lines – Please see Drawing No 1006/ST/01

Traffic sight lines would not be affected by the proposed development of the site.

There were no unusual concerns raised by the Roads Department under their consultation during the application process.

Open Space

Please see our response to Ms Black which details the land designation of the application site.

We would like to be clear that the application site **is and always has been** privately owned. At no time has this site been owned by or sold by Inverclyde Council. Please refer to Title REN16 which details the private sale of various plots within the estate dating back to 06/04/1981.

Maintenance of Open Spaces

Inverclyde Council have not been involved in any maintenance of the privately owned vacant plots on the estate since it was proved that they did not enter into any agreement to do so.

Rainwater & Drainage

There were no concerns noted by the Planner regarding Policy 9 – Managing Flood Risk or Policy 10 – Surface and Waste Water Drainage.

Scottish Water have also confirmed that there is sufficient capacity to deal with rain/waste water from the site.

In addition to the above a large proportion of the site will remain green with more planting than there is at present, increasing the areas capacity to soak up water. The proposed development of the site includes planting more shrubs and retaining/replacing the trees which are already present, enhancing the quality and value of the area.

8. Mr Alasdair Tannahill

Open Space

Please see our response to Ms Black which details the land designation of the application site.

There has been no evidence found or provided by any resident that proves that this area was ever designated as Public Open Space.

Site Ownership

We would like to be clear that the Site **is and always has been** privately owned. At no time has this site been owned by or sold by Inverclyde Council. Please refer to Title REN16 which details the private sale of various plots within the estate dating back to 06/04/1981.

Extra Rates Paid by Residents and Maintenance of Open Spaces

Inverclyde Council have not been involved in any maintenance of the privately owned vacant plots on the estate since it was proved that they did not enter into any agreement to do so.

The rates paid by the residents of the estate are in line with all other rate payers in Inverclyde, properties are evaluated by the Joint Valuation Board and the relevant rate of Council Tax is paid accordingly.

9. Mr George Wall

Open Space

Please see our response to Ms Black which details the land designation of the application site.

Traffic Sight Lines – Please see Drawing No 1006/ST/01

Traffic sight lines would not be affected by the proposed development of the site. There were no unusual concerns raised by the Roads Department under their consultation during the application process.

General Comments in response to further representations from the Client

- Just before I became owner of this site a tree was cut down, the stump of which is still visible to this day, to benefit the views of some of the neighbours. Was there any uproar about this or policy 35/36 of the LDP when this tree was lost.
- This area doesn't work as an open space, children shouldn't be playing here incase they end up running onto the road as there is no natural barrier around the site. The topography doesn't work for an easy walk. I am not a dog owner but I can't imagine dogs would be let off their leashes to run about on an area near such a "dangerous bend".
- Seems to me that these residents should be approaching IC as a community for traffic safety measures on the estate.
- I have maintained the site to the great expense of myself as shown by the image below:



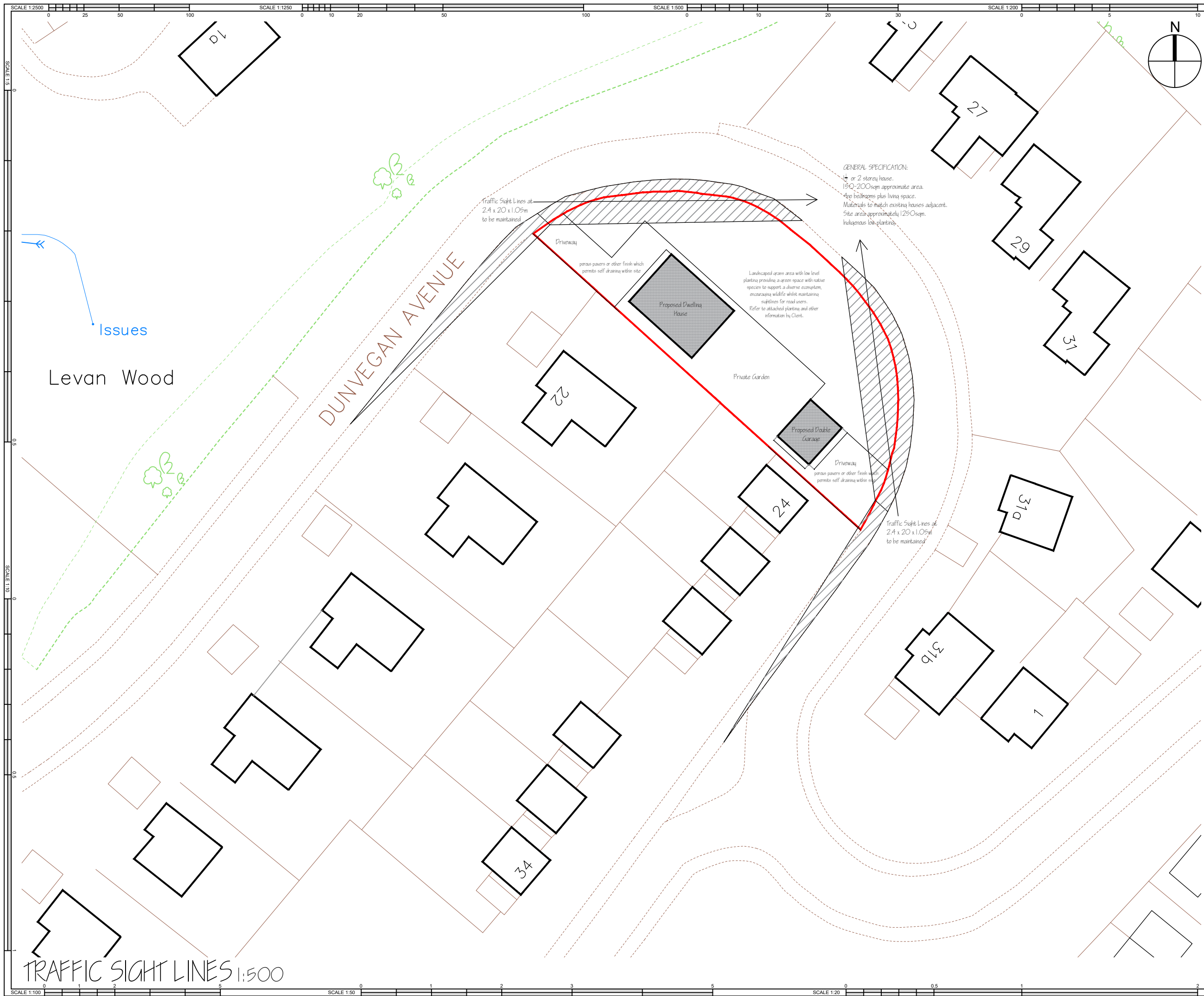
- I would not pursue anything if I ever thought it was dangerous
- It should also be noted that the site is exceptionally big and in fact even bigger than it currently appears due to encroachment by a neighbouring property.

To Conclude

Based on the evidence we have provided we feel that our application for Planning Permission in Principle should be approved by the Local Review Body.

Our Client is aware of all concerns raised by residents of the estate. It is his intention to ensure that all valid points/considerations are explored when a fully detailed design is produced and submitted for a full Planning Application.

Our Clients intention is to build a home for their family in this location, becoming a part of and making a positive contribution to the development's community long term as they raise their young children.



NOTES

- All scale bars shown on this drawing are in metres
- Do not scale from drawing (Planning Department excepted)
- Cross check all appropriate drawings
- Any discrepancies to be notified to Architect
- All dimensions to be confirmed on site prior to ordering any materials or commencing work
- If in doubt - Ask!

REVISIONS	DATE	DRAWN
SCALE	FEB 22	LR
1:500@A3		

PROJECT
PROPOSED DETACHED NEW BUILD HOUSE AND GARAGE AT DUNVEGAN AVENUE, GOUROCK

FOR DAVID MIDDLESWORTH
DRAWING
TRAFFIC SIGHT LINES

Richard Robb
ARCHITECTS

75/77 ALBERT ROAD, GOUROCK, PA19 1NJ

01475 630877
 07092 807195
 rrobb@scotlandarchitects.co.uk
 www.scotlandarchitects.co.uk

DRAWING NO.
1006/ST/01

STATUS
PLANNING

TRAFFIC SIGHT LINES 1:500

**13. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

22/0090/IC - Review - Suggested conditions

Should planning permission be granted on review the following conditions are suggested.

1. This permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 on an application for planning permission in principle and further approval of the Council or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters hereby reserved before any development is commenced:
 - a. the siting, design and external appearance of any building to which the planning permission or the application relates
 - b. details of the access, visibility, driveway gradient and parking arrangements
 - c. details and timetable of hard and soft landscaping
 - d. details of all boundary treatments
 - e. details of the full drainage regime
 - f. an ecological assessment
 - g. details of existing and proposed site levels

Development shall thereafter be carried out in accordance with the approved matters unless otherwise agreed in writing by the Planning Authority.

2. That prior to their use, samples of all external and facing materials to the dwellinghouse, garage and its curtilage shall be submitted to and approved in writing by the Planning Authority.
3. That prior to the commencement of works on site, full details of the drainage maintenance regime shall be submitted to and approved in writing by the Planning Authority. The drainage shall be maintained as approved at all times thereafter to the satisfaction of the Planning Authority.
4. That prior to the commencement of works on site, confirmation of Scottish's Water approval to the drainage layout and confirmation of connections to Scottish Water Network shall be submitted to and approved in writing by the Planning Authority.
5. All surface water shall be contained within the application site both during and on completion of the development.
6. That prior to the commencement of works on site, an ecological assessment, measures and recommendations shall be submitted, approved and adhered to and followed to the satisfaction of the Planning Authority.
7. Any site clearance work undertaken during the bird breeding season March to August inclusive shall be immediately preceded by a check for nesting birds by a suitably qualified individual with a report on any such check being submitted to the Planning Authority. Should nesting birds be identified on site, the Planning Authority must be notified and site clearance works shall not commence until the end of the bird breeding season as noted above.

8. That any of the trees, areas of grass or planted shrubs approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season.
9. Parking shall be provided in accordance with the National Roads Development Guide.
10. The minimum dimensions of the parking spaces shall be 2.5 metres wide by 5.0 metres and spaces shall be individually marked to the satisfaction of the Planning Authority to ensure appropriate parking provision.
11. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
12. Prior to the occupation of any dwellinghouse permitted, a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas and enclosures as appropriate where such containers are to be located shall be submitted to and approved in writing by the Planning Authority. Bin storage arrangements shall then be in place to the satisfaction of the Planning Authority prior to the occupation of each dwellinghouse.
13. That the dwellinghouses shall be designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies, details of which shall be set out in respect of the design of each dwellinghouse.

Reasons:

1. To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. To ensure the external materials are appropriate for the proposed dwelling in the interests of visual amenity.
3. To ensure the adequacy of the drainage regime for the development hereby permitted.
4. To ensure Scottish Waters acceptance of the drainage regime to allow implementation.
5. To ensure surface water does not encroach onto the roadway or neighbouring land.
6. To safeguard and protect European Protected Species.
7. In the interests of the protection of and avoidance of disturbance to nesting birds.
8. To ensure the retention of the landscaping scheme in the interests of visual amenity.
9. To ensure that appropriate off-street parking is completed and to prevent overspill parking onto the roadway, in the interest of road safety.

10. To ensure suitable sized parking spaces to prevent overspill parking onto the roadway, in the interest of road safety.
11. To ensure that all contamination issues are recorded and dealt with appropriately.
12. To ensure suitable bin storage provision, in the interests of visual amenity.
13. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.