

LOCAL REVIEW BODY

12 JANUARY 2023

PLANNING APPLICATION FOR REVIEW

**MR EUAN DONALDSON
PROPOSED DETACHED HOUSE
LAND AT DUNVEGAN AVENUE (ADJACENT TO SUB-STATION),
GOUROCK (22/0169/IC)**

Contents

- 1. Planning Application dated 5 July 2022 together with Proposed and Existing Plans, Elevations and Sketches**
- 2. Planning Application – Supporting Statement from archiSTarchi Ltd.**
- 3. Appointed Officer’s Report of Handling dated 13 October 2022**
- 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**
- 8. Representations in relation to Planning Application**
- 9. Decision Notice dated 25 October 2022 issued by Head of Regeneration & Planning**
- 10. Notice of Review Form dated 31 October 2022 with Supporting Statement from archiSTarchi Ltd.**
- 11. Further Representations submitted following receipt of Notice of Review**
- 12. Submission by archiSTarchi Ltd. 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 5 JULY 2022
TOGETHER WITH PROPOSED AND EXISTING
PLANS AND SKETCHES**

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 100580882-003

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.

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 new two storey detached house

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:	archiSTarchi Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stewart	Building Name:	
Last Name: *	Thomson	Building Number:	51
Telephone Number: *	07840892644	Address 1 (Street): *	Netherplace Road
Extension Number:		Address 2:	Newton Mearns
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	East Renfrewshire
		Postcode: *	G77 6BU
Email Address: *	archistarchi@gmail.com		

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: *	Euan	Building Number:	76D
Last Name: *	Donaldson	Address 1 (Street): *	Berwick Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Greenock
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA16 0HL
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

Vacant Site at Dunvegan Avenue

Northing

676340

Easting

221762

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-Planning process from early 2022 onwards, advice given on development proposals and local plan policy and incorporated into this application

Title:

Mr

Other title:

First Name:

Sean

Last Name:

McDaid

Correspondence Reference Number:

Date (dd/mm/yyyy):

02/03/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

973.00

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 private site

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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

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?? * (e.g. SUDS arrangements) *

Yes

No

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Standard household waste and recycling facilities will be incorporated within the site

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Address:

Date of Service of Notice: *

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stewart Thomson

On behalf of: Mr Euan Donaldson

Date: 05/07/2022

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)

Provide copies of the following documents if applicable:

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

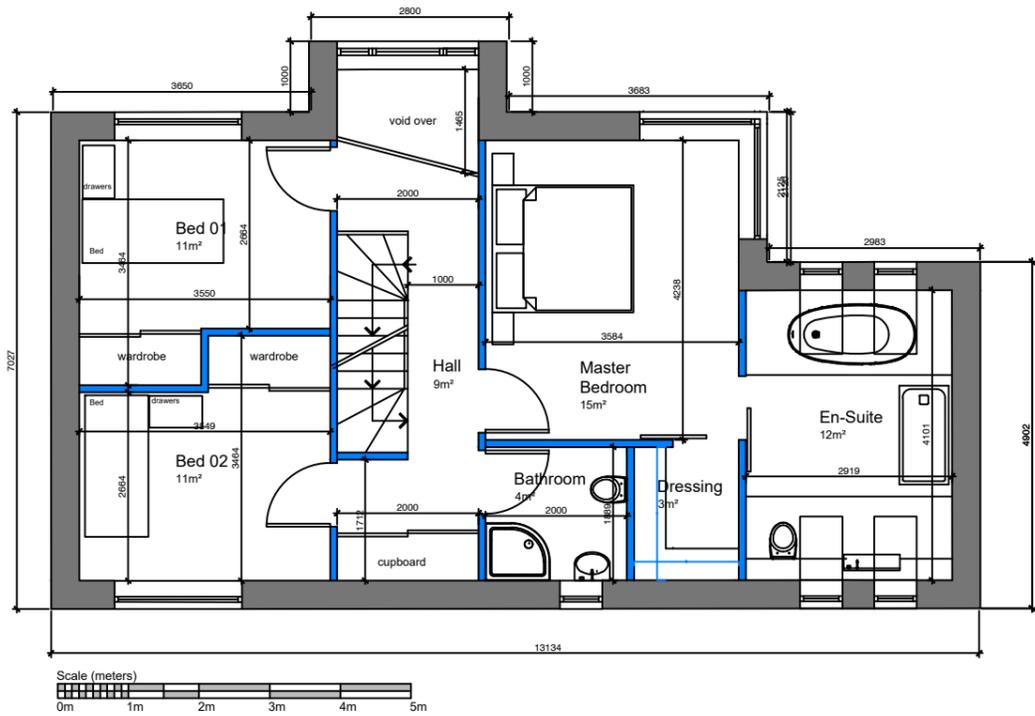
Other Statements (please specify). (Max 500 characters)

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 Stewart Thomson

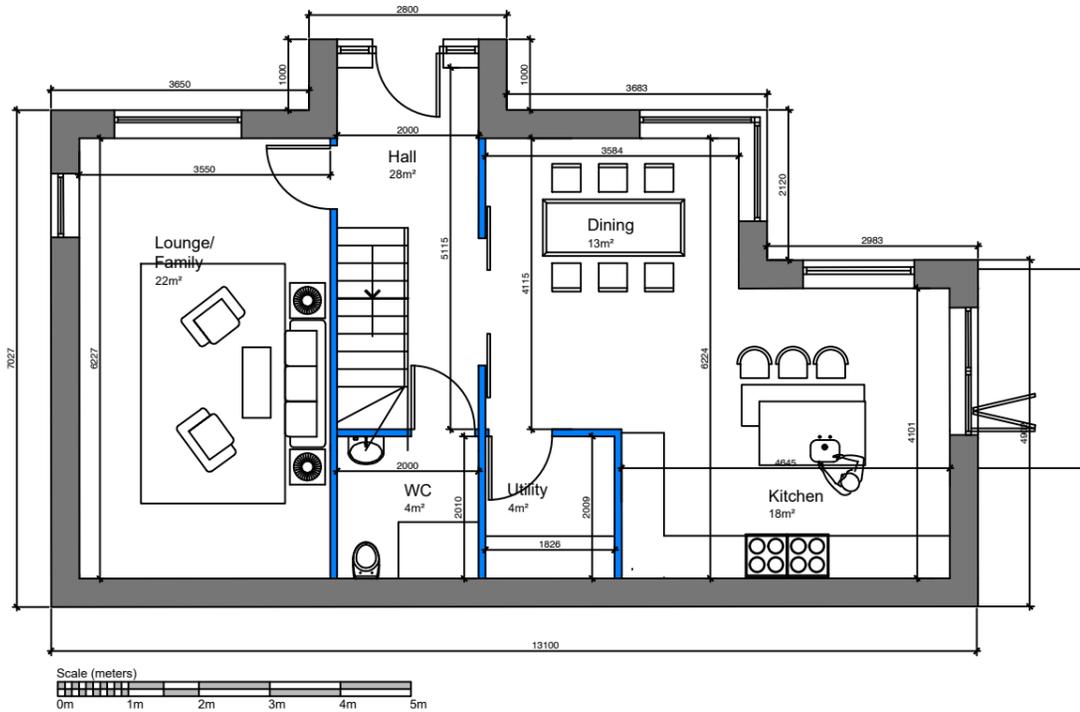
Declaration Date: 05/07/2022



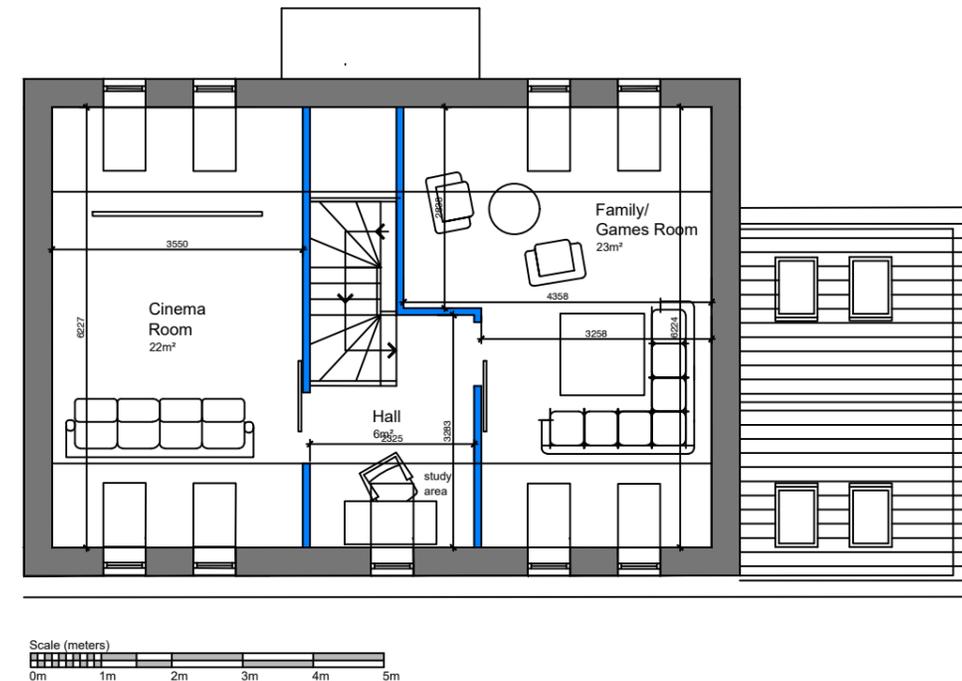
Proposed First Floor Plan



Proposed Roof Plan



Proposed Ground Floor Plan

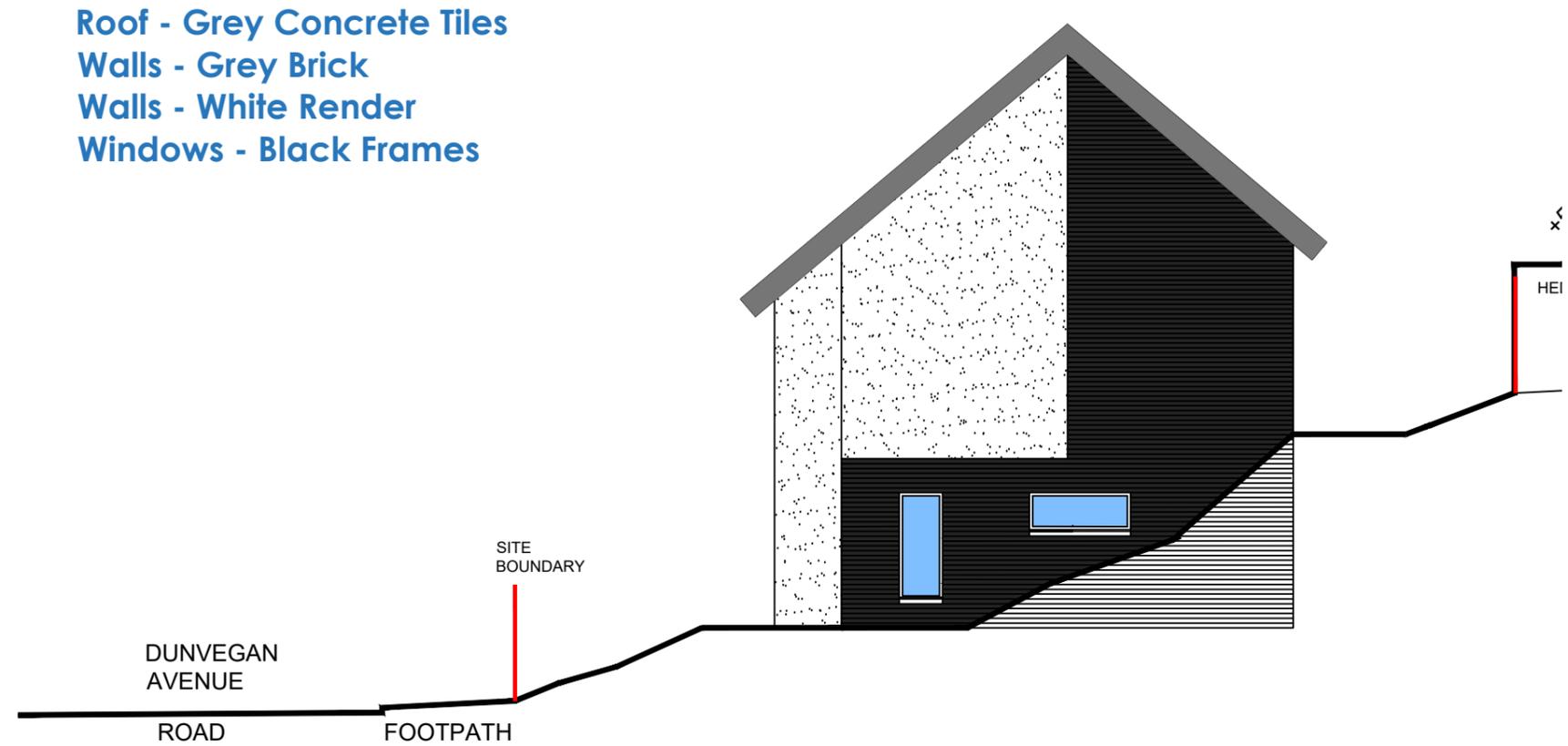


Proposed Attic Level Plan

Materials Pallet
 Roof - Grey Concrete Tiles
 Walls - Grey Brick
 Walls - White Render
 Windows - Black Frames



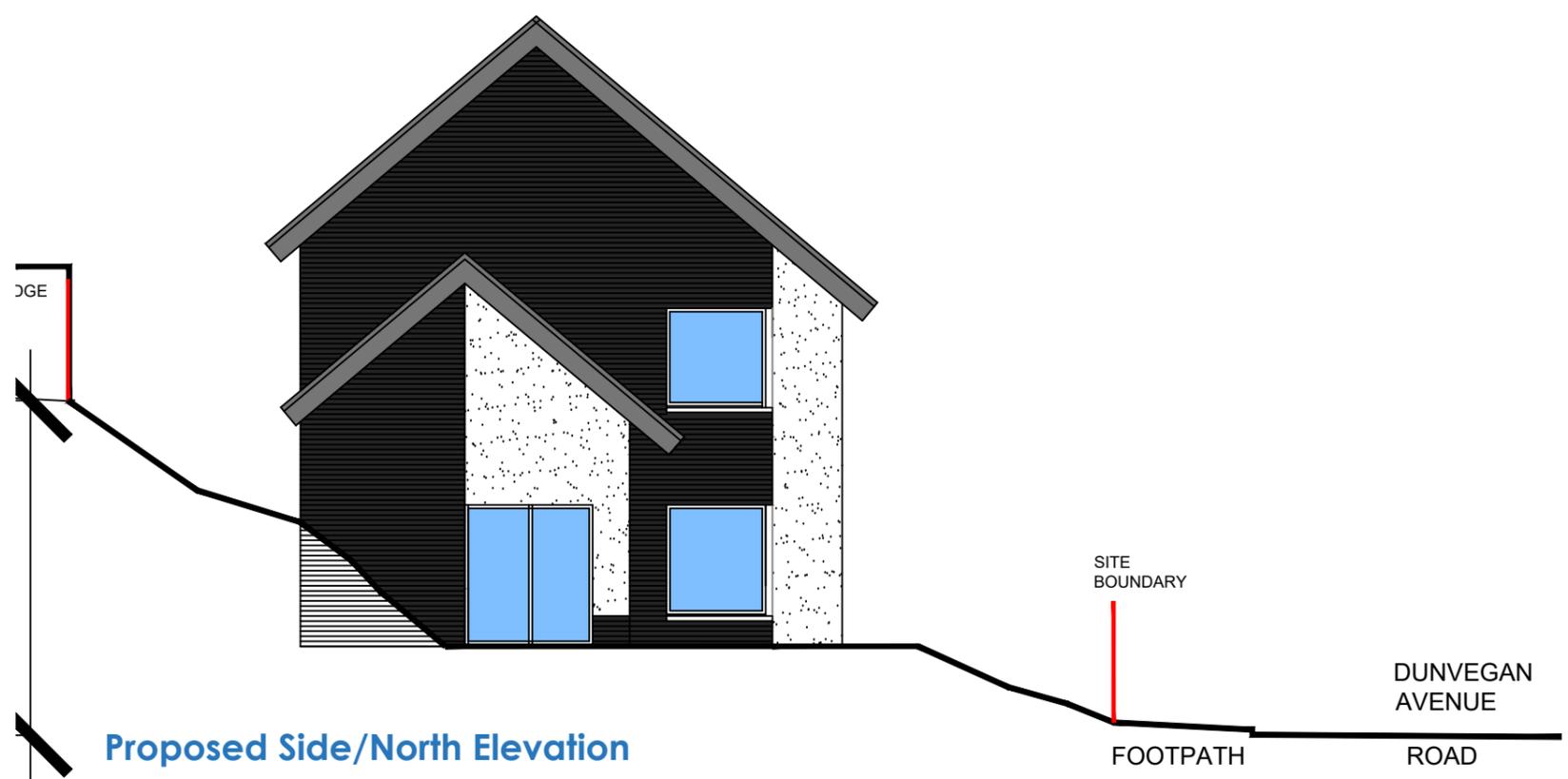
Proposed Front/North West Elevation



Proposed Side/South West Elevation



Proposed Rear/North East Elevation



Proposed Side/North Elevation

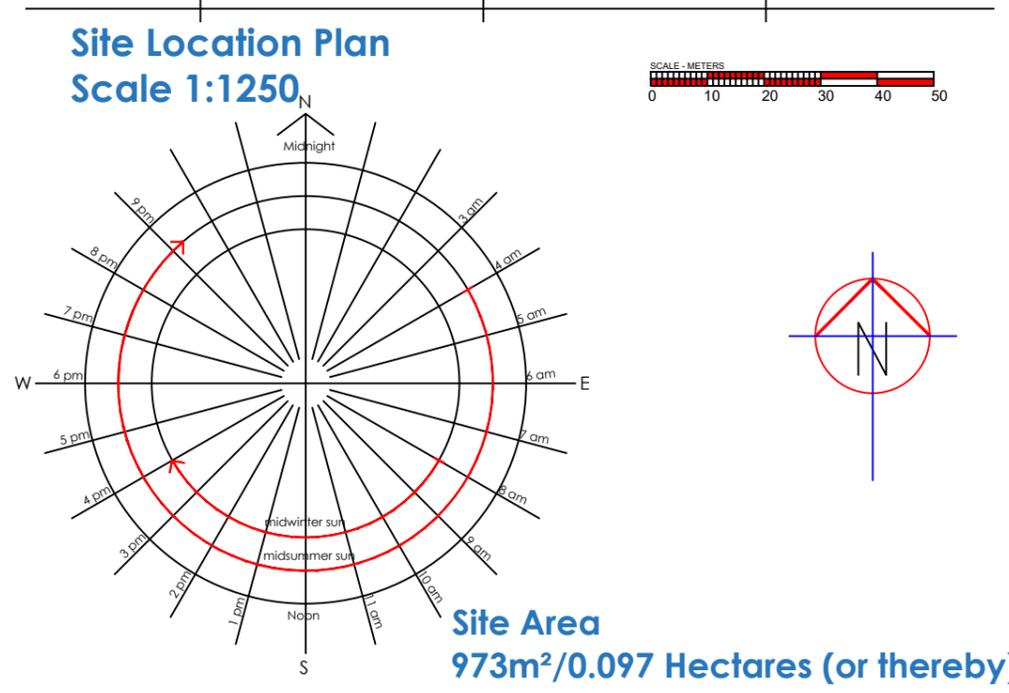
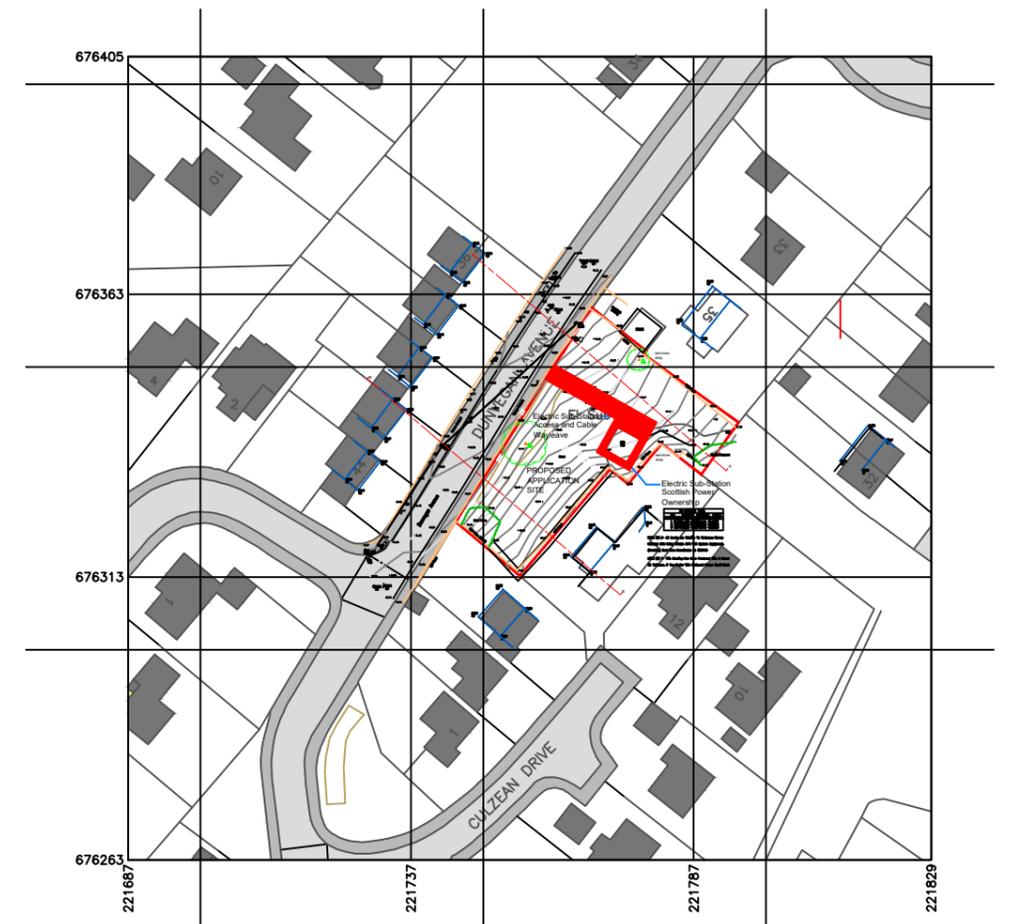
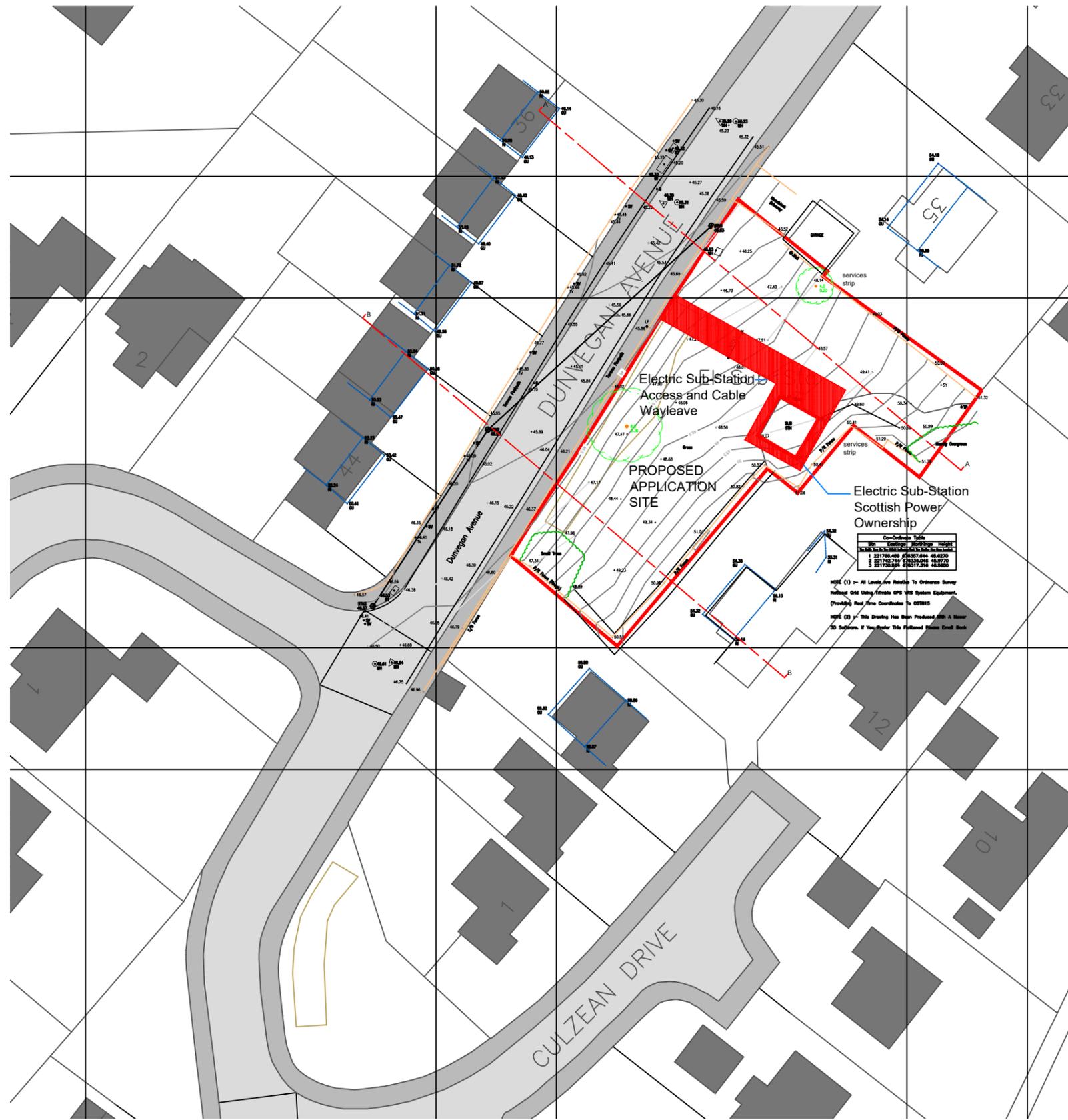
Mr Donaldson - New House at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-0-501-A-Proposed House Elevations
 Scale 1:100 @A3 June 2022-FORMAL PLANNING



Materials Pallet
Roof - Grey Concrete Tiles
Walls - Grey Brick
Walls - White Render
Windows - Black Frames

Mr Donaldson - New House at Dunvegan Avenue
Gourock, Inverclyde PA19
P-P-0-502-A-Proposed House Sketches
Scale NTS @A3 June 2022-FORMAL PLANNING

archiSTarchi Ltd
SPACES PLACES ARCHITECTURE



Produced on 08 February 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
 This map shows the area bounded by 221687 676263,221829 676263,221829 676405,221687 676405,221687 676263
 Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.
 Crown copyright 2022. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
 Data licence expires 08 February 2023. Unique plan reference: v2c//749952/1014723

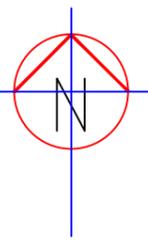
Mr Donaldson - New House at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-90-001-A-Existing Site Location and Block Plans (Topo Overlay)
Scale 1:1250 & 1:500 @A3 June 2022-FORMAL PLANNING

archiSTarchi Ltd
 SPACES PLACES ARCHITECTURE

Complete Site Area
973m²/0.097 Hectares (or thereby)

Legend

- Road Channels
- Buildings
- Roofline
- Verge
- Walls
- Fences
- Waterline
- Banking
- Open Drain
- Hedge
- Foliage Canopy
- Rootline
- Steps



- LP Lamp Post
- TP Telephone Pole
- EP Electricity Pole
- + SY Stay (Pole)
- SV Stop Valve
- GV Gas Valve
- RS Road Sign
- FH Fire Hydrant
- TL Traffic Light
- RE Rodding Eye
- BL Bollard
- PB Post Box
- ER Earthing Rod
- MK Marker Post
- ⊕ Control Station
- VP Vent Pipe
- DP Down Pipe
- WM Water Meter
- DR Drain
- KO Kerb Offset
- RP Reflector Post
- BS Bus Stop
- + Tel British Telecom
- + CTV Cable Television
- + 10.00 BV Bed Level
- + 10.00 WL Water Level
- + 10.00 TH Threshold
- + 10.00 TW Top Of Wall
- G Gully
- GP Gate Post
- + 10.00 TOF Top Of Fence
- + 10.00 TOS Top Of Step
- + 10.00 TOT Top Of Tree
- + 10.00 GU Gutter
- + 10.00 CY Top Of Chimney
- + 10.00 RF Top Of Roofline
- + 10.00 SC Stone Course
- ⊕ 78.08 BH Borehole
- ⊕ 78.08 TP Trial Pit
- ⊕ 78.08 WLH Wall Head
- ⊕ 78.08 MW Monitoring Well

- Drainage Codes
- UTL Unable To Locate
 - UTR Unable To Raise
 - Dam. Damaged Cover

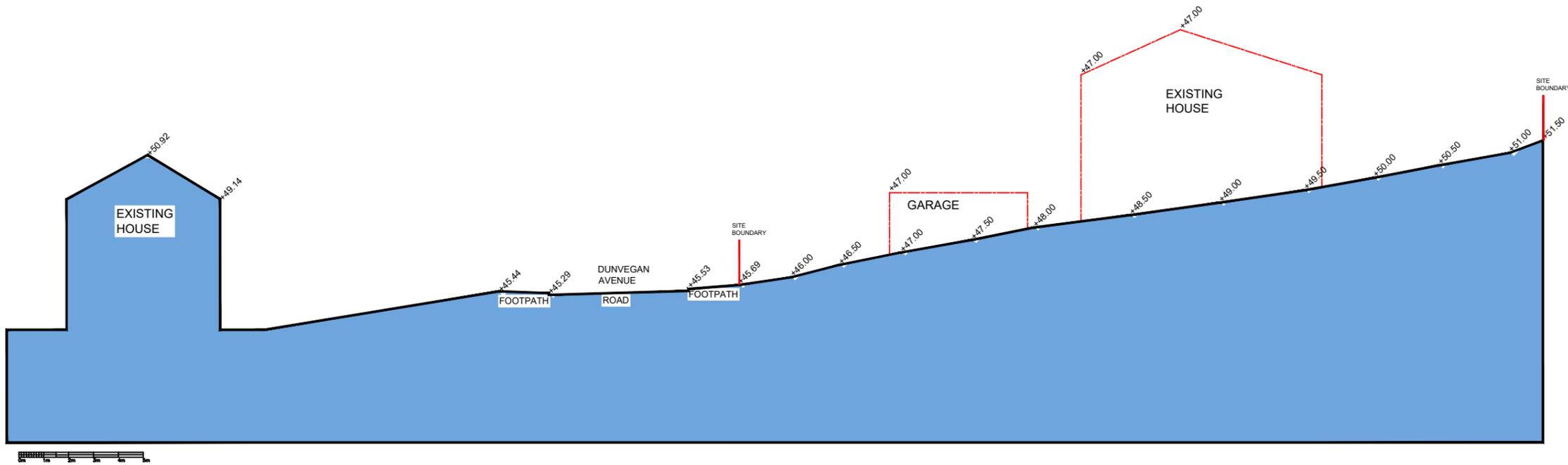
- Internals Legend
- FL Floor Level
 - BM Beam Level
 - WS Window Sill
 - WH Window Head
 - F - S Floor - Soffit
 - F - B Floor - Beam
 - F - C Floor - Ceiling
 - F - FC Floor - False Ceiling

Stn	Eastings	Northings	Height
1	221766.459	676357.644	45.6270
2	221742.744	676336.046	45.9770
3	221730.524	676317.316	46.5650

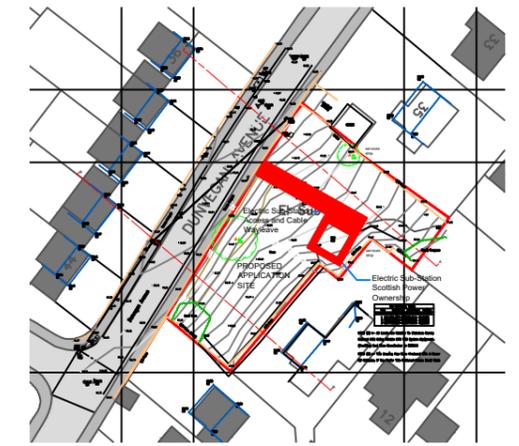
NOTE (1) :- All Levels Are Relative To Ordnance Survey National Grid Using Trimble GPS VRS System Equipment. (Providing Real Time Coordinates To OSTN15)

NOTE (2) :- This Drawing Has Been Produced With A Newer 3D Software. If You Prefer This Flattened Please Email Back

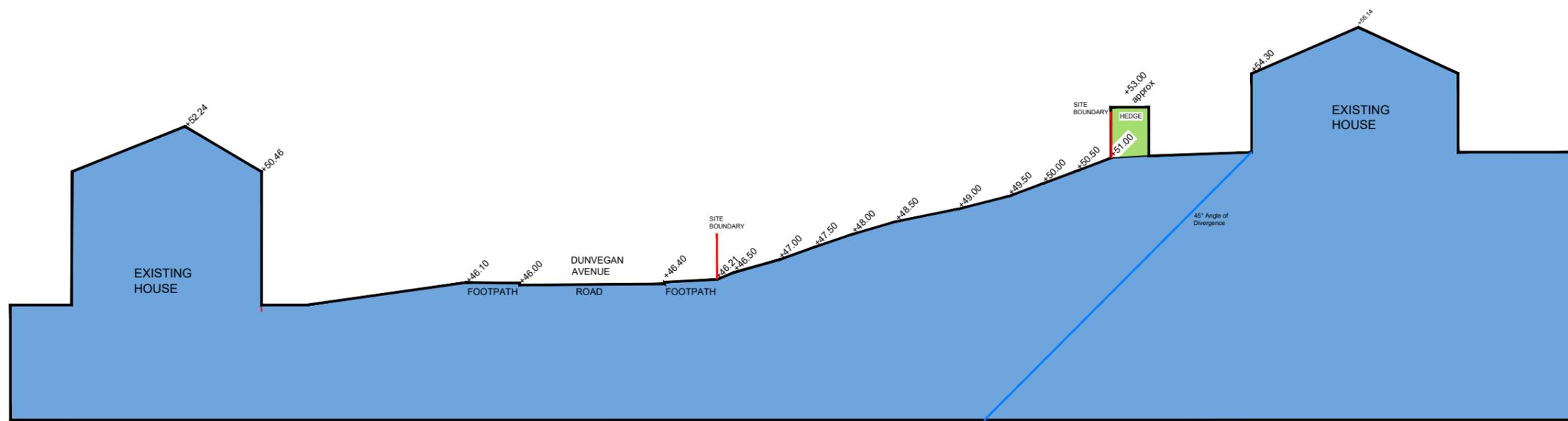
Site Topo Plan
Scale 1:200



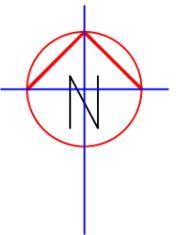
Existing Site Section A-A



Site Section reference Plan
Scale 1:1250



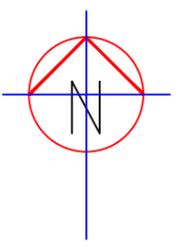
Existing Site Section B-B



Site Area
973m²/0.097 Hectares (or thereby)

Legend

- Road Channels
- Buildings
- Roofline
- Verge
- Walls
- Fences
- Waterline
- Banking
- Open Drain
- Hedge
- Foliage Canopy
- Rootline
- Steps

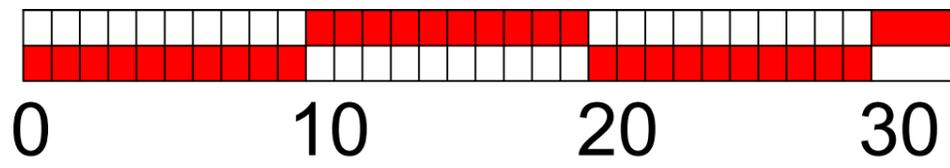


- LP Lamp Post + 10.00 TOF Top Of Fence
 - TP Telephone Pole + 10.00 TOS Top Of Step
 - EP Electricity Pole + 10.00 TOT Top Of Tree
 - SY Stay (Pole) + 10.00 GU Gutter
 - SV Stop Valve + 10.00 CY Top Of Chimney
 - GV Gas Valve + 10.00 RF Top Of Roofline
 - RS Road Sign + 10.00 SC Stone Course
 - FH Fire Hydrant
 - TL Traffic Light
 - RE Ridding Eye
 - BL Bollard
 - PB Post Box
 - ER Earthing Rod
 - MK Marker Post
 - Control Station
 - VP Vent Pipe
 - DP Down Pipe
 - WM Water Meter
 - DR Drain
 - KO Kerb Offset
 - RP Reflector Post
 - BS Bus Stop
 - + Tel British Telecom
 - + CTV Cable Television
 - + 10.00 BV Bed Level
 - + 10.00 WL Water Level
 - + 10.00 TH Threshold
 - + 10.00 TOW Top Of Wall
 - G Gully
 - GP Gate Post
 - 78.08 BO Borehole
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 - 78.08 WLH Wall Head
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- Drainage Codes
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Stn	Eastings	Northings	Height
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NOTE (1) :- All Levels Are Relative To Ordnance Survey National Grid Using Trimble GPS VRS System Equipment. (Providing Real Time Coordinates To OSTN15)

NOTE (2) :- This Drawing Has Been Produced In 3D Software. If You Prefer This Flattened Plan



Proposed Topo Overlay Plan
Scale 1:250

Note: Original Topo Prepared By Pinnacle Phoenix Surveys Ltd

Total Site Area 973m²/0.097 Hectares

PLOT AREAS
 Area 973m²/0.24 Acres
 Proposed Dwelling Footprint Area 89m²
 Proposed Private Garden Area 684m²



Stn	Eastings	Northings	Height
1	221766.459	676357.644	45.6270
2	221742.744	676336.046	45.9770
3	221730.524	676317.316	46.5650

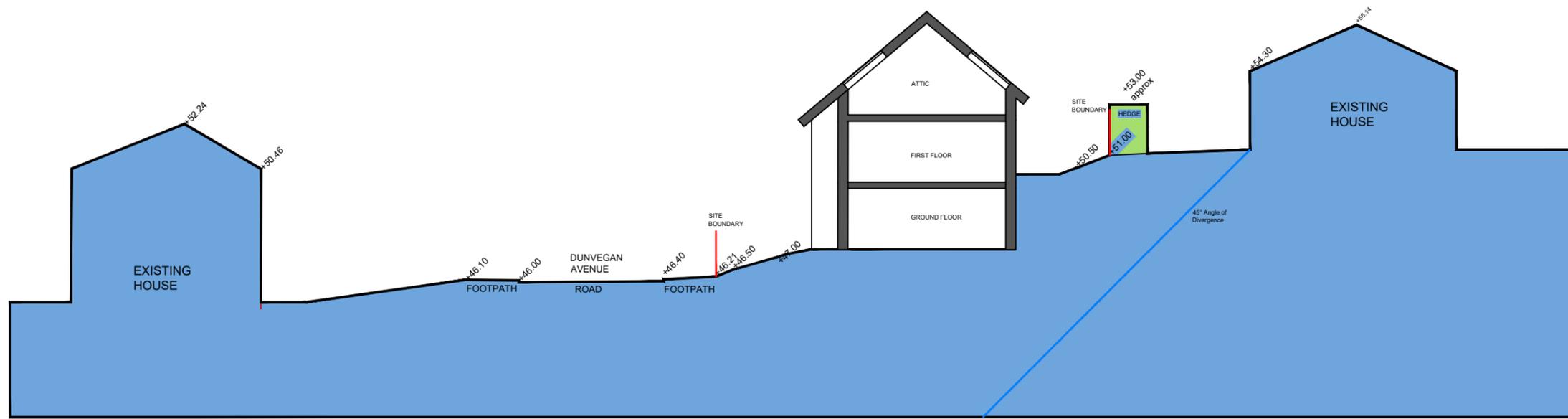
NOTE (1) :- All Levels Are Relative To Ordnance Survey National Grid Using Trimble GPS VRS System Equipment. (Providing Real Time Coordinates To OSTN15)

NOTE (2) :- This Drawing Has Been Produced In 3D Software. If You Prefer This Flattened Plan...

Proposed Topo Overlay Plan Scale 1:250

Mr Donaldson - New House at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-90-102-A-Proposed Site Plan
 Scale 1:250 @A3 June 2022-FORMAL PLANNING

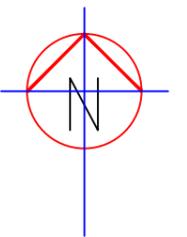
archiSTarchi Ltd
 SPACES PLACES ARCHITECTURE

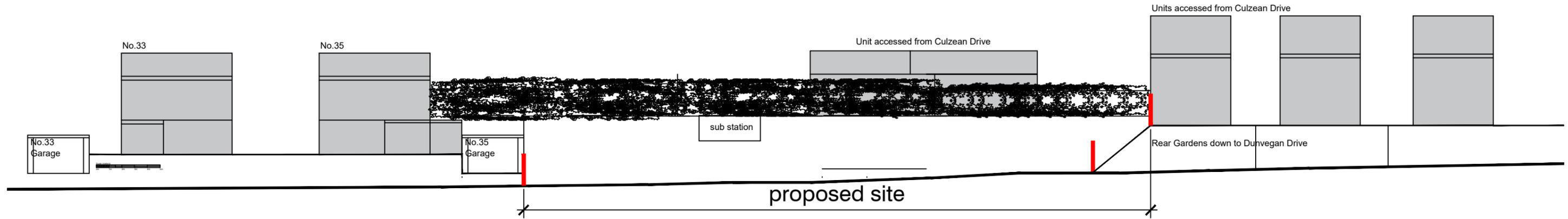


Proposed Site Section A-A

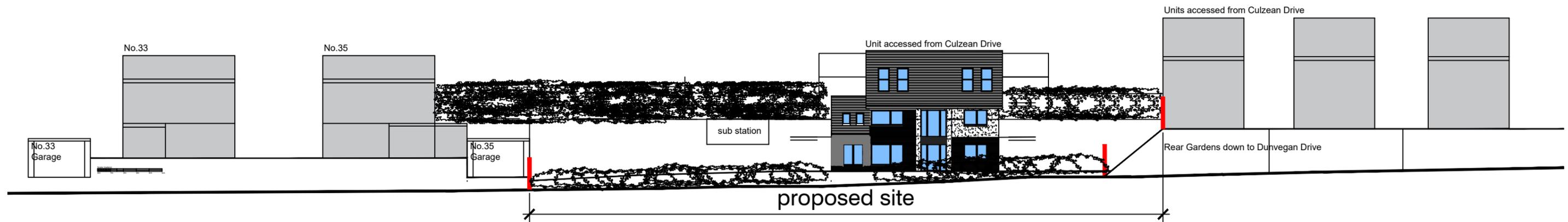


Site Section reference Plan
Scale 1:1250





Existing Site Elevation @ Dunvegan Drive



Proposed Site Elevation @ Dunvegan Drive

2. PLANNING APPLICATION – SUPPORTING STATEMENT FROM ARCHISTARCHI LTD.



Mr Donaldson

**Proposed New House at
Dunvegan Avenue,
Gourock
Inverclyde
PA19**

**Architects Planning Statement
June 2022**



Proposal – Formal Planning

INTRODUCTION

We have been appointed by our client Mr Donaldson and family to submit for formal Planning consideration a proposal for a new residential property to a vacant site in the established residential area of Dunvegan Avenue located to the west side of Gourrock. Dunvegan Avenue sits up on the hillside with quite spectacular Northerly views across the water to Dunoon and beyond with a mix of mainly single storey and two storey detached residential properties constructed from the 1970's onwards generally.

It is vitally important to note Mr Donaldson and family reside locally in Inverclyde and this Planning Application absolutely about providing a new home for the family with a child at school and keen to stay locally of course.

Initial Site Analysis, thoughts and processes

Our initial site analysis led to us endeavouring to understand the general topography, siting and layout of the existing site and surrounding area. The site is `L` shaped sloping upwards from north to south with single storey detached houses sitting high behind on long rectangular plots and to either side two storey detached properties on more regular plots. Across the road generally two storey detached houses and garages from perhaps 1970's/80's era. Dunvegan Road winds down towards the main Cloch Road running East-West along the waterfront.

In terms of the local Architecture most properties are simple in shape and form with pitched roofs and a materials pallet of brick and render panels traditional to the era of construction.

With the local housing typology of single detached dwellings and sites in various block patterns throughout the area, our site analysis process led us on a journey to work through varying block plan options ranging from a single detached family house and a quickly discarded option to provide an additional family home on the site. The family were initially keen to explore the opportunity for an additional family home on the site however through pre-planning consultation and having further thoughts on the site the family thought it best to retain the site as a single family home.

Due to the site constraints, topography and such like the site has a more rectangular frontage running on a north to south axis which manifests from the historical plots behind which have the same long rectangular plot configuration. An electric substation on the site separates the site where to the north a rectangular portion of the set runs on a east/west axis.

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Key Project and Design Ethos - Sustainability – Circular Economy and the Scottish Governments Carbon Emissions Targets

A vitally important part of this formal Planning proposal deals with a major factor we all face in the construction sector today, addressing climate change. The Scottish Governments well documented targets of buildings reaching Net Zero Carbon by 2050 lead us to our evolving practice ethos and approach to the design and construction of sustainable and circular buildings generally which forms a fundamental part of this proposal and the design of the family home moving forward.

As the population grows and therefore demand for consumer products increases the demand for natural resources to facilitate these products also increases. Extraction of these raw material resources increases pressure on the environment with more energy, water and mineral usage in order to access these materials. The construction industry has generally worked to what is known as a linear economy where raw materials are taken from the earth, manufactured into products which are then discarded, often well before the end of their working life. Some materials can of course be recycled however materials such as copper and aluminium are therefore a lost resource.

If we continue to build and construct as per Linear Economy principles we will lose these essential raw materials, cause further damage to the planet and absolutely will fail to meet the Scottish Government Carbon Emissions Targets therefore there must be a fundamental change on how the construction industry approaches the design, construction and indeed re-use of buildings.

The Green Building Council has reported in order to meet Net Zero Carbon Emission Targets buildings will have to utilise materials within the existing construction infrastructure and buildings. In order to achieve this we have to be producing buildings now which in the future can be deconstructed and materials recovered and reused/repurposed at the end of their designated life. This process is called Circular Economy and is something we are embracing as an Architectural Practice now for the benefit of future generations.

With the above in mind and our office ethos of embracing Circular Economy principles means the design of the house will follow a completely different approach to a normal process where we will consider and address the carbon emissions that arise from the sourcing, processing, transportation, manufacture, construction and deconstruction of the materials proposed within the building. The products and built assets we use to create, use, maintain and remodel the building in future times will be and have been a fundamental consideration from the start of our conversations with Mr Donaldson.

The method of construction, building location and orientation, the material choices made, life span, adaptability and reusability have a big impact on a building's carbon emissions. We will be looking at offsite construction with well considered designs which will have a positive impact on physical activity levels of people increase the quality of life and of course aid mental and physical health and wellbeing . Embracing circular design principles helps achieve these principles and more.

The proposals will be for a home that can be constructed offsite and is flexible in its design, a building which incorporates adaptable spaces with higher accessibility standards allowing the house to evolve with the family in the future, with minimal adaptation. Over time as the family grows the house can adapt to varying needs and requirements. Better flexibility adds value and will result in prolonging the life of the buildings in line with Scottish Government's circular economy goals.

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Key Project and Design Ethos - Sustainability – Circular Economy and the Scottish Governments Carbon Emissions Targets

Material choice is also important with natural materials and light a feature of the design ethos thus creating healthy buildings for our client and others of courses. A well thought out design helps to reduce carbon impact, reduce pollution and the reuse and recycling of local materials will aid material supply and reduce the lifetime costs of the building .

The Architectural shape and form of the house takes reference from those surrounding homes of simple shape and form although it is key to note these homes were designed and constructed in a different era and indeed to standards which are not appropriate and would not meet today's standards. The project therefore is for the provision of a modern house taking precedent from local shapes and forms, buildings which are simple in shape, with pitched roofs and buildings which settle into the landscape however a project that also meets modern housing needs and standards not only now but in the future too.

The house is situated to take advantage of the sun path throughout the day. In terms of its amenity impact the aim is for a carefully designed building rooted in the local landscape, which can be deconstructed and reused at the end of its intended design life are ambitions for this project

Our aim is to respect, protect and enhance natural, built and resources within the local area whilst siting a house which we hope will be seen as having a positive impact not only for our client but the local area too.

The proposal is therefore for a two storey home sited to the Southern end of the site and nestled into the landscape with a frontage onto Dunvegan Avenue. The house has been sited to take advantage of the views across the water but also key is its siting in consideration to the surrounding properties in particular No.7 Culzean Drive behind where the intention is to ensure existing views are maintained and indeed privacy for both properties therefore the proposed rear elevation to the house is single storey and the house set low in the landscape. Also, consideration in terms of any effect the house will have on No.7 which is sited to ensure in terms of foundations the house will be sited well within the 45-degree zone of influence for the design of foundations so as not to affect the property behind.

Materials proposed for the house align to those within the local area with brick and render and grey roofs over therefore grey brick with white render form the main material pallet with grey roofs, facias, soffits and rainwater goods in black along with black window and door frames with the aim of providing a modern twist to the property.

As prior mentioned sustainability is key and crucial therefore along with designing for deconstruction and off site construction being explored renewable technologies will be explored such as solar PV and water heaters, MHVR or Air Source Heating. In terms of drainage SUDS and permeable materials for hard landscaping will be introduced along the site edge with grey water recycling solutions for rainwater.

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PLANNING POLICY AND CONSIDERATIONS

With an extensive pre-planning process taking place it is important to highlight responses to a number of planning considerations and policies which have been fully taken on board and implemented into this formal Planning proposal. We have aimed to positively respond to those comments with updated within our proposals which we feel has enhanced the development

Utilities

Mr Donaldson has been in discussions with all relevant utilities providers SP Energy Networks, Openreach, SGN and Scottish Water. The proposal to site the house in its proposed location reacts to these discussions with all major area utilities networks running through the Northern part of the site, any proposal to locate a house on the Northern Part of the site would therefore lead to major local area upheaval which is simply not feasible or sustainable. It is important to note there is a 3m wide access and cable wayleave to the power station which again negates the possibility of the northern part of the site being suitable for a house. Proposals have been updated in line with these discussions highlighting SP access to the Existing Sub Station. The intention is to maintain these essential access zones however ensure that landscaping solutions are appropriate to ensure the site feels as one rather than a fragmented and disjointed solution.

The site to the north will therefore form a major part of the private garden space for the property which makes the best use of privacy both for Mr Donaldson and his family and also the neighbouring properties.

Planning Policies 1, 6, 10, 11 and 35 of the adopted Local Development Plan and Policies 1, 6, 11, 12, 18, 20 and 36 of the proposed Local Development Plan are relevant to the proposal. Both the adopted and draft Planning Application Advice Notes (PAANs) 2 and 3 on “Single Plot Residential Development” and “Private and Public Open Space in New Residential Development” respectively are also relevant.

This area of grass is not designated for potential development in either the adopted or proposed Inverclyde Local Development Plans (LDP) however this site has always been under private ownership and is not arranged as a public garden or open space. The site currently being developed directly across the road was identified as being public open space in the Sassinnes Register.

To advise the existing Henry Boot Homes development circa 1980 did not call for the site to be shared in common amongst the remaining owners through legal title, and has never been held in public ownership. The previous site owner left the site in its existing condition coupled with the requirement for Scottish Power to have access to the sub-station which is part of an Historic Lease Agreement with the landowner. With this in mind we would respectfully suggest Policy 35 would not be applicable in this instance.

With regards to Policy 36 locally there is an abundance of Open Spaces within a few minutes walk from the site including a substantial 4.6 Acre woodland off Dunvegan Avenue covered by a TPO and a 0.36 Acre grassed area between Dunvegan Avenue and Brodick Drive at Levan Burn. This site is undevelopable due to being landlocked with a pedestrian access path however is relatively flat and we would suggest more appropriate amenity space

There are several grassed amenity areas throughout Dunvegan Avenue and surrounding locale such as along Culzean Drive and Tantallon Avenue which due to their context would not be suitable for anything other than amenity space.

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Policy 18 of the proposed LDP relates to Land for Housing and indicates that in order 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. Policy 20 of the proposed LDP relates to the impact of development on the amenity, character and appearance of the residential area.

If the loss of this open space is justified, under the general terms of Policies 18 and 20 of the proposed LDP the principle of proposed houses at this location may then be acceptable subject to the details of what is proposed.

One of the key aims of this development to meet Policies 18 and 20 in a positive way and indeed provide essential family home within the locale, although of modern construction methods we would hope this development will compliment and enhance the character found within the local area

In terms of Policy 1 of both the adopted and proposed LDPs the qualities of being “Distinctive” (respecting urban form; reflecting local architecture and materials) and “Welcoming” (integrate new development into existing communities) are relevant to discussing this proposal at this stage in terms of how the proposal relates to the site and surrounding area.

With regards to the siting and proposed design the image on drawing P-P-0 100 gives the impression that the ground levels are to be reduced to create a flat site with retaining walls constructed around the side and rear boundaries. I do not see how this would be possible as the sub-station is elevated above Dunvegan Avenue and I would have concerns at the extent/height of the retaining walls that would be required. I assume however that a level platform will be created where the footprint of the house is to be in each plot resulting in each house being elevated above Dunvegan Avenue with sloping front and rear gardens. It would be useful to see a contextual street elevation showing the existing houses on either side in order to compare the heights of the proposed houses to the existing houses on this side of the street as well as sections through the plots to the respective houses at the rear.

The plot will sit on level platform working with the site with the aim to having a lower setting albeit in an elevated position taking reference from the adjacent and surrounding dwellings. A topographical survey was commissioned by Mr Donaldson with existing and proposed site sections produced, and contextual street elevation produced as part of this application. It is important to note the longer site arrangement follows those at Culzean Drive behind with long rectangular plots.

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The irregular shape of the land was acknowledged and position of the sub-station restricts the plots in line with comments in terms of major services infrastructure

The existing buildings across the road are notably different from those found along Dunvegan Avenue which in the main, are larger detached homes. That said, the overall area has a unique character with the overall area surrounding the Levan Castle and the build type is not uniform which we would hope allows some flexibility with our proposals.

The proposed block is sited to reflect how the adjacent plots behind are sited taking reference from No33 and No35 in terms of scale, proportion and siting. The house is sited at levels affording slightly lower roof heights taking into account site levels.

Both the adopted and draft PAAN2 give advice for infill plots, which this proposal is. PAAN2 includes advice that established street front building lines should be followed and the distance of the building to garden boundaries should reflect that in the locality. PAAN3 includes advice that rear garden depths should be 9m. The distance from the rear elevation of the house at Unit A to the rear boundary with the nearest house in Culzean Drive does not meet this advice. There may be overlooking and privacy issues for both the existing and proposed houses as a result of this. A section through Unit A to the house at rear will allow the potential impact on the existing property to be assessed further.

The proposal aims to maintain the street frontage building line aligning with similar distance from the pavement as the existing garages to 33 & 35 Dunvegan Avenue, and striking a balance between hard and soft landscaping along the frontage that characterises Dunvegan Avenue, we would respectfully suggest this aligns with the design intent of PAAN2. Beyond this site at Dunvegan Avenue, the plot siting alters to a selection of rear garden fencing adjacent to the plot for the homes at Culzean Drive. We feel the position will help with the design flow through the development to signify a change in orientation, and at the least would not impact what is already established.

During a site walkthrough, we noted the nearest house at 7 Culzean Drive, as having the same arrangement of the garden & driveway facing the gable end to what is proposed for the plot with the front door facing toward the Levan Farm hills South-East. Whilst the proposal may not fully align with PAAN3 we do have a unique plot and we would hope proposals put forward are seen to be in keeping with the design intent of PAAN3 through providing extensive garden space, which for this particular plot would be to the gable ends similar to 7 Culzean Drive.

Conclusion

We would hope with the proposals and design ethos offered for formal Planning consideration, the Local Authority will embrace this project with the benefits outlined which will create home for a local family which is highly sustainable and perhaps the first of its kind in the area in terms of its sustainability and circular economy aims not to mention on a vacant site which is fit for purpose not only for today but also for tomorrow.

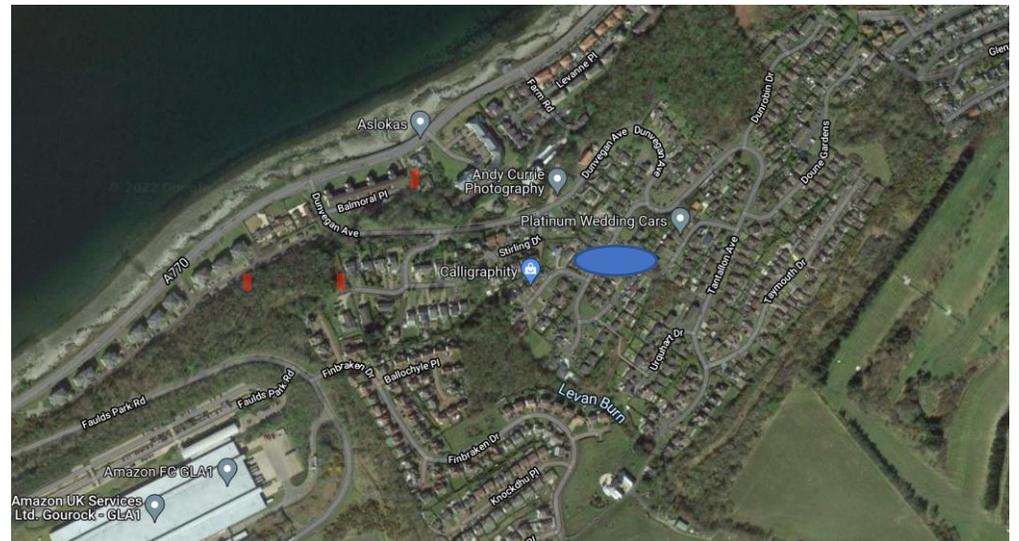
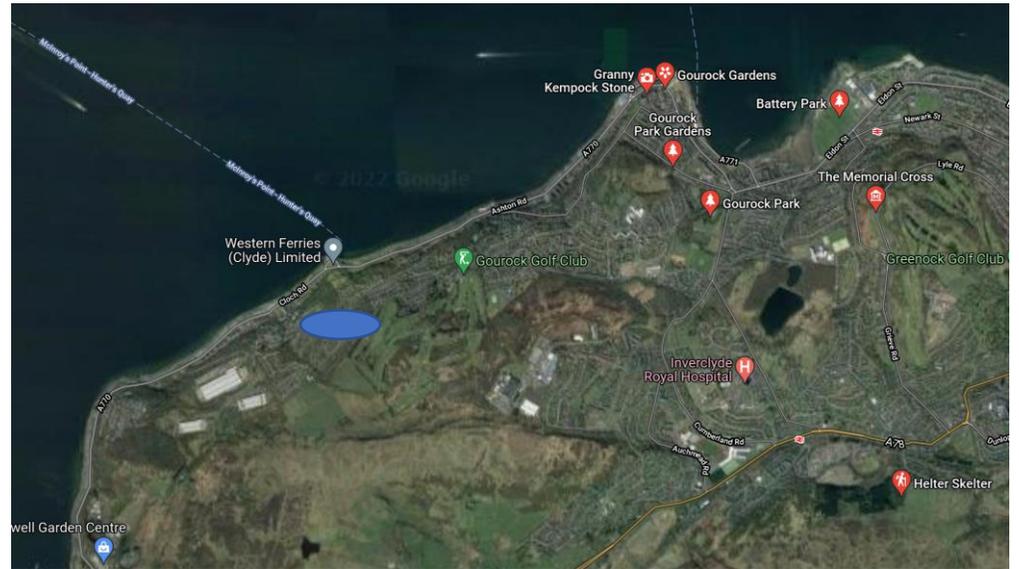
A new buildings which is rooted in traditional vernacular however also embraces new thinking in design and approach, which positively aids the Scottish Governments Climate Emission Targets and Circular Economy principles. Homes which can be deconstructed, and materials and resources re-used at the end of their useful life. Buildings which can be adapted and utilise renewable resources such as Solar PV, MVHR and constructed to the highest standards possible.

We hope this a project which will be an exemplar development within the local area and beyond and look forward to engaging with Inverclyde Council Planning Service through this pre application process and beyond.

We welcome further discussion and direction moving forward

Site Location

Dunvegan Avenue is located within an established residential area to the west side of Gourock.



Site Images



South to site as viewed from Dunvegan Avenue.



South to site as viewed from Dunvegan Avenue.



North towards Argyll site as viewed Southern end of the site



North towards Argyll site as viewed Northern end of the site

Site Images



Views North turning into Dunvegan Avenue



Views North turning into Dunvegan Avenue note high level and sloping plots to houses on east



View North, project site to east and existing houses to west, note brick pallet with render panels and drak grey tones to roof etc

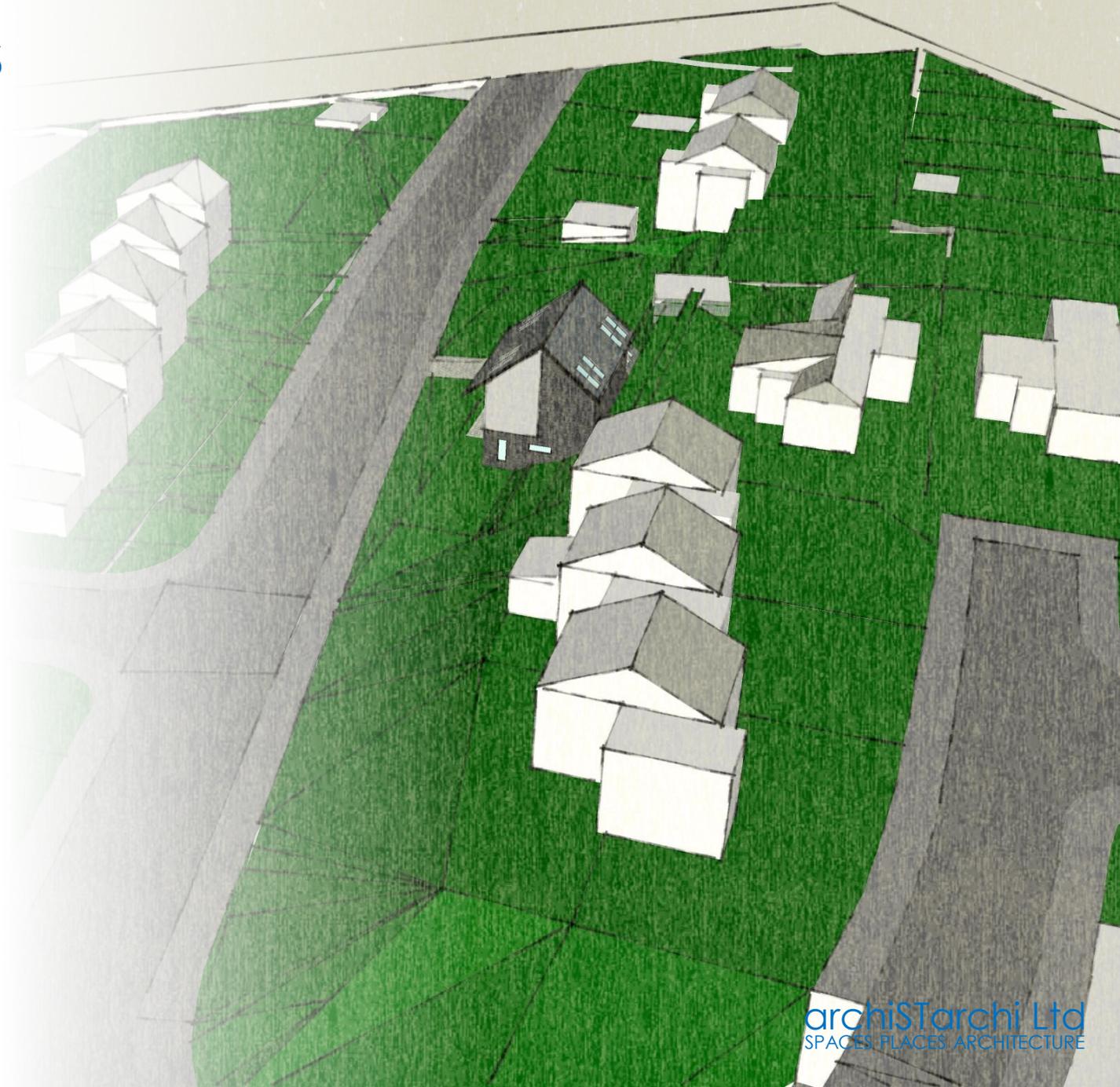
Inspirational Images



Inspirational Images



Wee Sketches



Wee Sketches



**3. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 13 OCTOBER 2022**

REPORT OF HANDLING

Report By: Sean Mc Daid

Report No: 22/0169/IC

**Local Application
Development**

**Contact
Officer:** 01475 712412

Date: 13th October 2022

Subject: Proposed detached house at
Land at Dunvegan Avenue (adjacent to sub-station), Gourock

SITE DESCRIPTION

The application site is an irregular shaped area of sloping ground located on the south-east side of Dunvegan Avenue, Gourock. The site extends to 973 square metres. There is an electricity sub-station located approximately 13m to the south-west of the side boundary of the property at 35 Dunvegan Avenue. There is a detached garage at both 33 and 35 Dunvegan Avenue that sits in front of the front elevations of each house.

The site had grass on it as well as three trees however the turf and trees were removed by the applicant during July and early August 2022. The trees were not covered by a Tree Preservation Order and did not require permission from the Council to be removed.

The surrounding area is residential in character with a variety of house styles and designs. There are three two storey detached houses at Culzean Drive to the south-west of the site in an elevated position that have their rear gardens backing onto Dunvegan Avenue. To the south-east of the site there is single storey detached house in an elevated position at the end of Culzean Drive. Two houses are under construction to the north of the site on the opposite side of the road. There are other areas of open ground in the surrounding area.

PROPOSAL

Planning permission is sought for a detached house that is to be located towards the southern part of the site and to the south-west of the electricity sub-station. The submitted plans show rooms on the ground floor and first floor as well as in the attic storey. The proposed house is to incorporate a single storey projection/extension on its north-east facing elevation that is set back from the front elevation of the house by 2.12m. There is also to be a projection on the front elevation over two floors.

The main part of the front elevation of the proposed house, excluding the front projection, is to be positioned approximately 5.8m at its closest point from the public footpath that runs along this side of Dunvegan Avenue. This distance increases to approximately 7m because of the tapering boundary along this footpath. The front projection is approximately 5m at its closest from the public footpath. The house is to be approximately 8.6m from the south-west boundary, approximately 3.7m at its closest point from the rear boundary and approximately 23.5m from the north-east boundary. The proposed house is to be approximately 5m from the sub-station.

The overall length of the proposed house is to be 13.134m and it is to be 8.027m at its widest point. The house is to have a pitched roof approximately 9.8m high. There is to be a pitched roof over the side projection/extension that is to be approximately 6m high.

A level area is to be formed where the proposed house is to be located in the site involving excavating down part of the site by approximately 3m. As a result of the excavations and forming the level area the house appears as two and a half storeys when viewed from the front and one and a half storeys when viewed from the rear. The ground floor level of the house is approximately 1.5m above the street.

The submitted plans show a double width driveway that is indicated as accommodating parking for two cars and this will slope up from the road.

The main external materials on the house are to be a combination of grey coloured bricks and white render on the walls with grey coloured concrete tiles on the roof. The windows are indicated as having black coloured frames and there are to be roof windows on the front and rear roof slopes.

The remaining area of the site, excluding the sub-station which is to remain in position, is to be the garden ground of the proposed house.

The application has been accompanied with a Planning Statement.

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 t]here 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 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:

- 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
- 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 – advises no comments in relation to: Food & Health and Air Quality. Recommends conditions relating to: Japanese Knotweed; containers to be used to store waste materials and recyclable materials; external lighting; and sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations.

Head of Service - Roads and Transportation - advises the following:

- Parking should be provided in accordance with the National Guidelines. The proposed development has 3 bedrooms. This requires 2 parking spaces. The proposed parking meets this requirement.
- 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.

- Driveway to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road.
- The driveway gradient should not exceed 10%.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.4m x 20.0m x 1.05m. This shall be agreed with Roads Service.
- A Section 56 Agreement is required for the footway crossovers to the driveway.
- All surface water run-off is to be contained within the site and be limited to that of greenfield run-off.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.
- Drainage details must be submitted for approval.

PUBLICITY

The application was advertised in the Greenock Telegraph on 15th July 2022 as it is contrary to the development plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification and 44 representations have been received objecting to the proposal. The grounds of objection may be summarised as follows:

Historical context and amenity issues

- Loss of green space/green belt land.
- Loss of common good land.
- Land never intended to be built on especially close to the sub-station.
- Construction of the houses across the road has occurred over a number of years.
- Policy 35 and 36 of the Plan presume against the loss of such amenity space.
- Public open spaces were to be used by all residents for recreation purposes.
- The applicant has done ground work without planning permission.
- New housing should be built on brownfield sites.

Design related issues

- The proposed house not in keeping with the area.
- The height of the building will dominate area and out of character.
- The size of the house not in character with adjacent properties.
- Materials not in common with surrounding properties.
- Impact on privacy.
- Site too small for the proposed house with reference to the south section of the site.
- Impact on light of property behind.
- The size of the driveway not on common with the area.
- The house does not align with other houses.
- The house is three storeys and not two storeys.

Environmental issues

- Problem with Japanese Knotweed/removal of Knotweed propagates its spread.
- Loss of trees.
- Impact on wildlife/loss of wildlife corridor.

Traffic, infrastructure and safety issues

- Increase in traffic.
- Existing drainage issues.
- Flooding.
- Drainage impact as result of loss of green space.
- Renewal of underground electricity cable causing supply issues elsewhere.
- Concern at impact on integrity of drain close to the site and sub-station.
- Increase in construction traffic and impact on road safety.
- Traffic safety during construction to houses opposite.
- Road too narrow for traffic especially large vehicles.
- Disturbance during construction.
- Removal of a lamp post reducing light on the road.
- The exit/access to the driveway has blind sides which will cause danger to pedestrians.
- Alterations will be required to the pavement to access/exit the driveway.
- Potential ground slip and retaining walls required at rear of the site.
- Water table altered.

Miscellaneous issues

- Land being sold off without consultation with residents.
- Land being sold off for development.
- All residents of the Levan estate should have been informed about the proposal.
- Reference to title deeds *"The areas between the respective dwellinghouses and any road formed ex adverso the same shall remain unbuilt at all time."*
- Health danger of proximity to sub-station and restriction of access for emergency services in case of fire, loss of electricity supply or flood.
- Comments made on inaccuracies in application form and planning statement.
- The application should be for a change of use.

There has also been 1 representation in support of the proposal. The grounds of support may be summarised as follows:

- The house will complement the area.
- The house will not impact privacy.
- There is ample green space around the property.

ASSESSMENT

The material considerations in the determination of this application are: national planning policy inclusive of Scottish Planning Policy (SPP) 2014; the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the adopted and draft Planning Application Advice Note (PAAN) 2 on "Single Plot Residential Development"; the adopted and draft Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development"; the consultation responses; and the amenity impact of the development.

Scottish Planning Policy 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 is not a strategic scale development under Schedule 14 of the Clydeplan Strategic Development Plan 2017 and therefore consideration of the proposal falls to both

the adopted and proposed Inverclyde Local Development Plans, associated guidance and any material planning considerations.

The Spatial Development Strategy of both the adopted and proposed Local Development Plans directs residential development to existing built-up areas in the first instance. In this regard the site is located in an established residential area as identified under Policy 20 of the proposed Local Development Plan. As such this site is considered to be in a sustainable location and therefore the proposal accords in general terms with the Spatial Development Strategy. Policy 20 requires development within residential areas to be assessed with regard to impact on the amenity, character and appearance of the area. The surrounding area is residential in character in which there are a variety of house types and styles. The proposal is not to be considered to be out of this general context although the position and design of the house will be considered in greater detail below against other relevant development plan policies and guidance. Policy 18 of the proposed Local Development Plan supports new housing development on sites identified in Schedule 3 and on other appropriate sites within residential areas. The site however is not identified in Schedule 3.

The principle of the development has to be considered in the first instance against Policy 35 of the adopted Local Development and Policy 36 of the proposed Local Development Plan. In support of the application the applicant has indicated this area of grass is not designated for potential development in either the adopted or proposed Inverclyde Local Development Plans however this site has always been under private ownership and is not arranged as a public garden or open space. The applicant indicates the site currently being developed across the road was identified as being public open space in the Sassines Register. The applicant goes on to indicate the Henry Boot Homes development circa 1980 did not call for the site to be shared in common amongst the remaining owners through legal title and has never been held in public ownership. The applicant indicates the previous site owner left the site in its existing condition coupled with the requirement for Scottish Power to have access to the sub-station which is part of a Historic Lease Agreement with the landowner. The applicant therefore suggests Policy 35 would not be applicable in this instance. The applicant considers that with regard to Policy 36 there is an abundance of open spaces within a few minutes walk from the site including a 4.6 acre woodland off Dunvegan Avenue and a 0.36 Acre grassed area between Dunvegan Avenue and Brodick Drive at Levan Burn. The applicant gives the opinion this site is undevelopable due to being landlocked with a pedestrian access path however is relatively flat and is more appropriate amenity space. The applicant also indicates there are several grassed amenity areas throughout Dunvegan Avenue and surrounding area such as along Culzean Drive and Tantallon Avenue which due to their context would not be suitable for anything other than amenity space.

The assertion of the applicant in terms of Policy 35 not being applicable is not agreed with. Both Policies 35 and 36 relate to a range of open spaces including for example formal parks, more local parks, playing fields, etc as well as smaller areas of open space that are commonly found in residential areas and business areas. Ownership of the site does not change its status in planning policy terms. The wider residential development was approved under planning permission IC/77/115 and it should be noted the application site was not identified for development and indicative tree planting is shown at parts of the site. The application site is therefore considered to be open space under Policies 35 and 36.

Both Policy 35 and 36 indicate 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. The proposal will result in the loss of this open space without providing additional/compensatory open space within the vicinity. It should also be noted that the character of the residential development in the surrounding area was summed up by a Reporter appointed to consider an appeal against the refusal of planning permission for the erection of a house on an 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 character of the surrounding area is one where there the built form and houses/groups of houses are punctuated by amenity open spaces. This includes the application site even though there is a sub-station on part of the site. The open spaces, including the application site, provide visual relief between the built form/houses and are not visually unattractive areas. The application site therefore has value in this regard and contributes to the overall character of the area. The comments referred to above and made by the appointed Reporter are concurred with. The loss of the open space would disrupt the pattern of development and urban form which defines the character and amenity of the area as well as having adverse implications for the green network. This is irrespective of the design and appearance of the proposed house and whether it is considered to fit into its surroundings. Any space around the proposed house is to be private garden ground as annotated on plans submitted with the planning application and boundary planting is indicated as well. Although the boundary planting may soften the general visual appearance of the development from certain views this does not compensate for the loss of the open space. The loss of this area of open space is therefore not considered to be acceptable in principle and there are no material considerations that outweigh the terms of Policy 35 of the adopted Local Development Plan and Policy 36 of the proposed Local development Plan in order to recommend approval.

It should be noted that Planning Permission in Principle was refused on 22nd July 2022 for a proposed house and garage at land to the north-east of 22 and 24 Dunvegan Avenue (22/0090/IC). The decision on this recent application is a material consideration in the determination of this application. 22/0090/IC was refused as 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. As such the loss of the open space was not considered to be acceptable and contrary to the development plan.

In terms of completeness the details of the application also have to be assessed against other relevant development plan policies and guidance.

Policy 1 of both the adopted and proposed Local Development Plans require all development to have regard to the six qualities of successful places. The relevant factors in this instance are being “Distinctive” in reflecting local architecture and urban form; “Easy to Move Around” by being well connected, with good path links to the wider path network, public transport nodes and neighbouring developments; “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to adverse impacts that may be created by flooding, invasion of privacy or overshadowing as well as minimising parking in the street scene; and “Welcoming” by integrating new development into existing communities.

The built form in the vicinity of the application site comprises a variety of house designs with their front elevations at different distances set back from the roads that they front onto. The rear gardens of the houses to the south-west of the site back onto Dunvegan Avenue. The proposed house is to be in an elevated position as are the existing houses to the north-east and south-west of the site. It is acknowledged that the proposed house does not align with neighbouring houses however the position of houses relative to the street in the immediate surrounding area is not uniform. There is the potential for the proposed house to be more prominent in the street scene because of where it is to be positioned in the site combined with its elevated position however on the approaches to the site from the north-east the existing houses to the south-west will act as a backdrop that lessens the overall visual impact. On the approaches to the site from the south-west the existing houses on this side of the street and their rear garden boundaries assist in screening the proposed house to reduce its overall visual impact. The visual impact of the proposed house will be at its greatest in close proximity to the site however this is no different to any other house in an urban area and the height of the house itself is not considered to be excessive. Facing bricks, render and roof tiles are used on houses in the surrounding area. Although there may be a contrast in appearance between the proposed house and the existing houses the proposal would not be significantly out of character with the area in general design terms.

Both the adopted and draft PAAN2 and PAAN3 advise on plot sizes for residential development and on private garden ground respectively. Both of these PAANs refer to the plot and garden sizes reflecting those in the locality as well as according with established density and pattern of development. The distance to garden boundaries should also reflect the immediate locality, together with the established street front building line. Height, roof design, use of materials and colours should reflect the immediate locality. The minimum window-to-window distances are also indicated as being required.

With regard to the plot size it is larger than neighbouring properties. The identified overall plot/site size is 973 square metres and the indicated footprint of the proposed house, at 89 square metres, occupies approximately 9% of the total site area. There is to be 684 square metres of garden ground associated with the house. Even when including the proposed driveway and the existing sub-station the proposal does not represent overdevelopment of the site and it is considered there will be a sufficient amount of garden ground associated with the proposed house and this is acceptable under the advice in both the adopted and draft PAAN2 and PAAN3.

The position of the proposed house is at variance with the pattern of development in the surrounding area where houses are generally positioned in a more central position within their respective plots. It is acknowledged that the irregular shape of the site and the presence of the sub-station limit where the proposed house can be positioned. However as indicated above the general pattern of development in the surrounding area varies and there is not considered to be an established front building line at this part of the street. The relatively short distance between the rear elevation of the house and the boundary with 7 Culzean Drive is however of concern although this part of the proposed garden backs onto the side boundary of 7 Culzean Drive along which a hedge runs.

PAAN2 indicates that ground level window positions should comply with the window intervisibility guidance. The windows on the rear elevation of the proposed house face towards a boundary hedge and there are not considered to be privacy issues associated with the position of these windows. The windows on the rear roof slope potentially will allow overlooking into the rear garden area of 7 Culzean Drive over the boundary hedge. This overlooking is likely to be at an angle however if the proposal is otherwise acceptable a planning condition could be attached requiring these windows to be deleted or for alternative window designs/positions to be submitted for further written approval. Given the position of the proposed house relative to the immediate neighbouring houses it is not considered there will be excessive shadows cast or for this to occur for prolonged periods that would result in an adverse loss of light to neighbouring properties. These aspects of the proposal are considered to accord with the quality of being "Safe and Pleasant" under Policy 1 of both the adopted and proposed Local Development Plans.

Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan relate to managing the impact of development on the roads network and in particular for the development to comply with the Council's parking standards. The Head of Service – Roads and Transportation has not raised any objections to the proposal in terms of traffic generation or its impact on the roads network. The Head of Service – Roads and Transportation has advised that the requisite amount of off-street parking is provided in the proposed driveway. The other advice from the Head of Service – Roads and Transportation regarding sightlines, dimensions and gradient of the driveway as well as the surfacing material of the driveway can be addressed by planning conditions if the application is approved. The proposal in terms of managing its impact on the roads network is considered to accord with Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan as well as minimising parking in the street scene to accord with the quality of being "Safe and Pleasant" under Policy 1 of both the adopted and proposed Local Development Plans.

In relation to Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan if planning permission 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 and for

confirmation of Scottish Water's approval to be provided by the applicant. These matters can also be addressed by planning conditions if the application is to be approved. The requirement to have appropriate drainage means that this aspect of the development is considered to accord with the quality of being "Safe and Pleasant" under Policy 1 of both the adopted and proposed Local Development Plans. It should be noted that connection to Scottish Water's infrastructure can only be given by Scottish Water and this has to be applied for separately.

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 was 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 if planning permission is granted 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 of the adopted Local Development Plan and Policy 36 of the proposed Local Development Plan 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. If planning permission is granted the proposed landscaping/planting to be carried out can be addressed by a planning condition and such planting can contribute to biodiversity.

With regard to the advice from the Head of Public Protection and Covid Recovery the condition recommended in relation to Japanese Knotweed can be addressed by a planning condition, if planning permission is granted. The other recommended conditions are more appropriate as advisory notes if planning permission is granted with the matters relating to sound insulation and compliance with the Building Scotland Regulations being for the separate building warrant process.

The points in support of the application are noted. With regard to the objections that have been received and not been addressed above the following comments are made. The application site is not Common Good land. The Council did not own the applicant site and has no remit over the sale of private land. The time that it is taking to construct the houses across the road is not a material consideration in determining this application. With regard to the stripping of turf from the site the applicant has explained the grass on this land was thick and, when combined with the weeds, this was making it difficult to cut the grass. Following the attempts at turf cutting, that was not leaving a good enough finish that the applicant was comfortable with, a mini digger was used to complete taking off the top layer of grass. The applicant has indicated the intention to see what weeds may come through over the forthcoming months. The slope/contours are essentially the same as before the turf was stripped and it is not considered that planning permission is required for what has occurred in this instance.

If there are current drainage issues these need to be addressed separately and it is not the responsibility of this proposal to address these. As indicated elsewhere in this assessment the proposed development will have its own drainage that is expected to control surface water run-off from the site.

The renewal of an underground electricity cable causing supply issues elsewhere is a not a material consideration in determining this application. The applicant will have to establish if there are any drains at the site and agree separately with Scottish Water if these require diversion and any connection to them.

With any construction work there are likely to be additional vehicles involved with the construction phase however this does not warrant refusing an application. The Head of Service – Roads and

Transportation has not raised an objection in this regard. Any potential disturbance during construction cannot be a determining factor in assessing and determining a planning application. Such matters, should they arise, can be investigated separately by the Head of Public Protection and Covid Recovery to determine if there is a statutory noise nuisance. If the lamp post has to be removed or relocated this will have to be agreed separately by the Head of Service – Roads and Transportation.

In terms of potential ground slip it is the responsibility of the applicant to investigate the ground conditions before any construction commences and to carry out construction in a safe manner. This is a matter more appropriately to be considered in a separate building warrant application.

Neighbour notification was carried out to neighbouring properties in accordance with the relevant planning legislation. There was no requirement to inform all residents of the surrounding area of this planning application. In any event the planning application was advertised in the local press. Planning applications are assessed against the relevant policies of the development plan and not what is in title deeds.

The submitted plans indicate the service access to the sub-station is to remain and maintaining this access is a matter to be agreed between the applicant and Scottish Power. It is not the role of Planning Authority to critique what may be perceived as inaccuracies in a submitted planning application rather to assess the application against the relevant policies of the development plan and any material planning considerations in order to determine whether a development is acceptable or not. The proposal involves building a house on the site and a separate planning application is not required for a change of use.

In conclusion, Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. Although the proposal may be at a site within a residential area and derives general support from some development plan policies and guidance, the proposal cannot be supported in particular against Policy 35 of the adopted Local Development Plan and Policy 36 of the proposed Local Development Plan as well as Policy 20 of the proposed Local Development Plan. The proposal therefore 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 below.

RECOMMENDATION

That the application be refused for the following reasons:

1. The proposed development results 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 surrounding residential area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policies 20 and 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development.
2. The proposed development results 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 surrounding residential area and therefore cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
3. The proposed development results in the loss of open space which contributes to the amenity, character, appearance and distinctive urban form of the surrounding residential area. The loss of this open space therefore cannot be considered meet the quality being “Distinctive” under Policy 1 of both the adopted and proposed Local Development Plans.

Signed:



Sean Mc Daid
Case Officer



Stuart W Jamieson
Interim Director
Environment and Regeneration

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

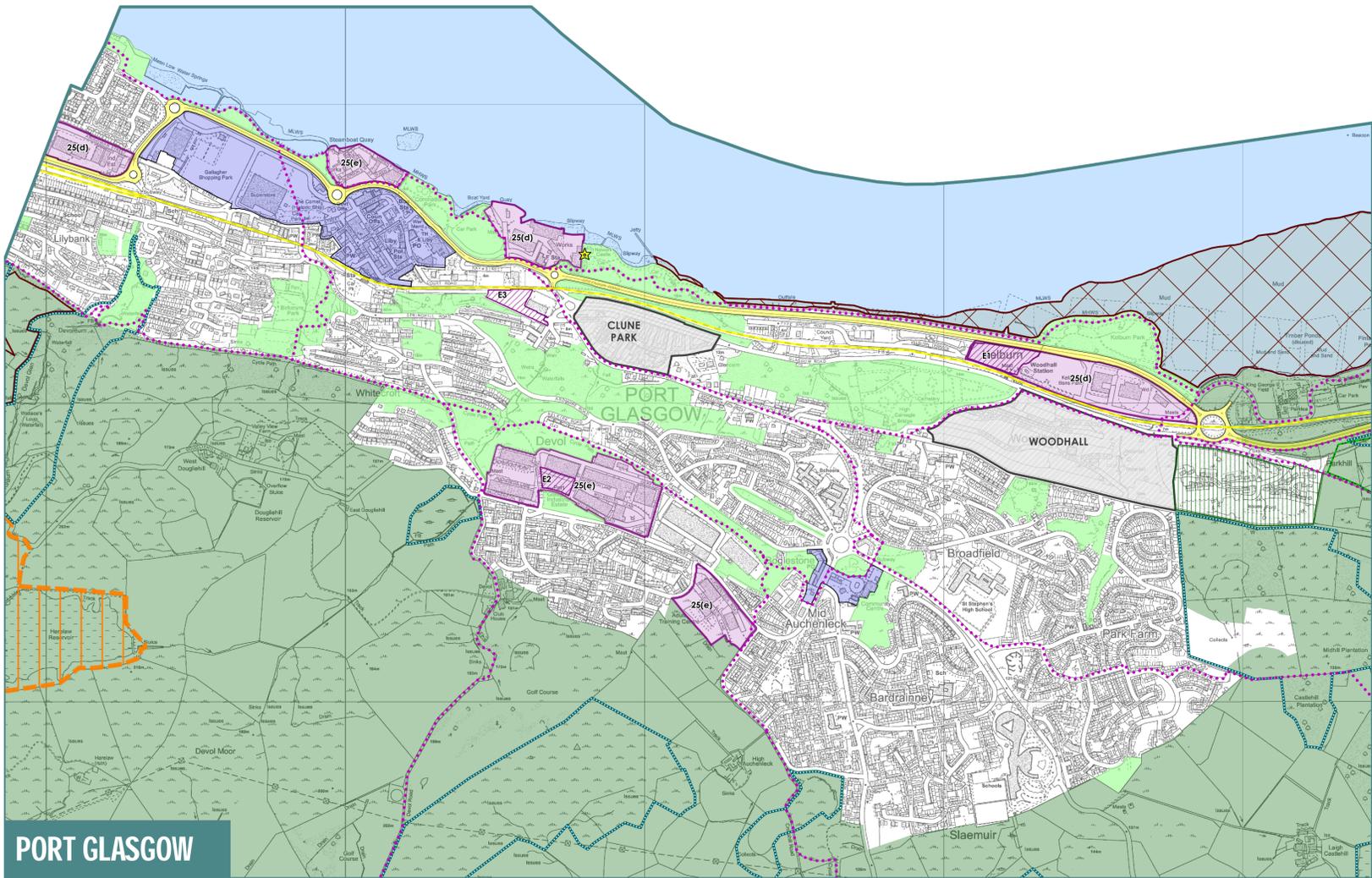
11.19 The full definition of 'green infrastructure' is set out in the glossary, and includes open and natural/semi-natural spaces, the water environment including sustainable drainage systems, the path network and landscaping. These green elements, both individually and collectively, provide a range 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

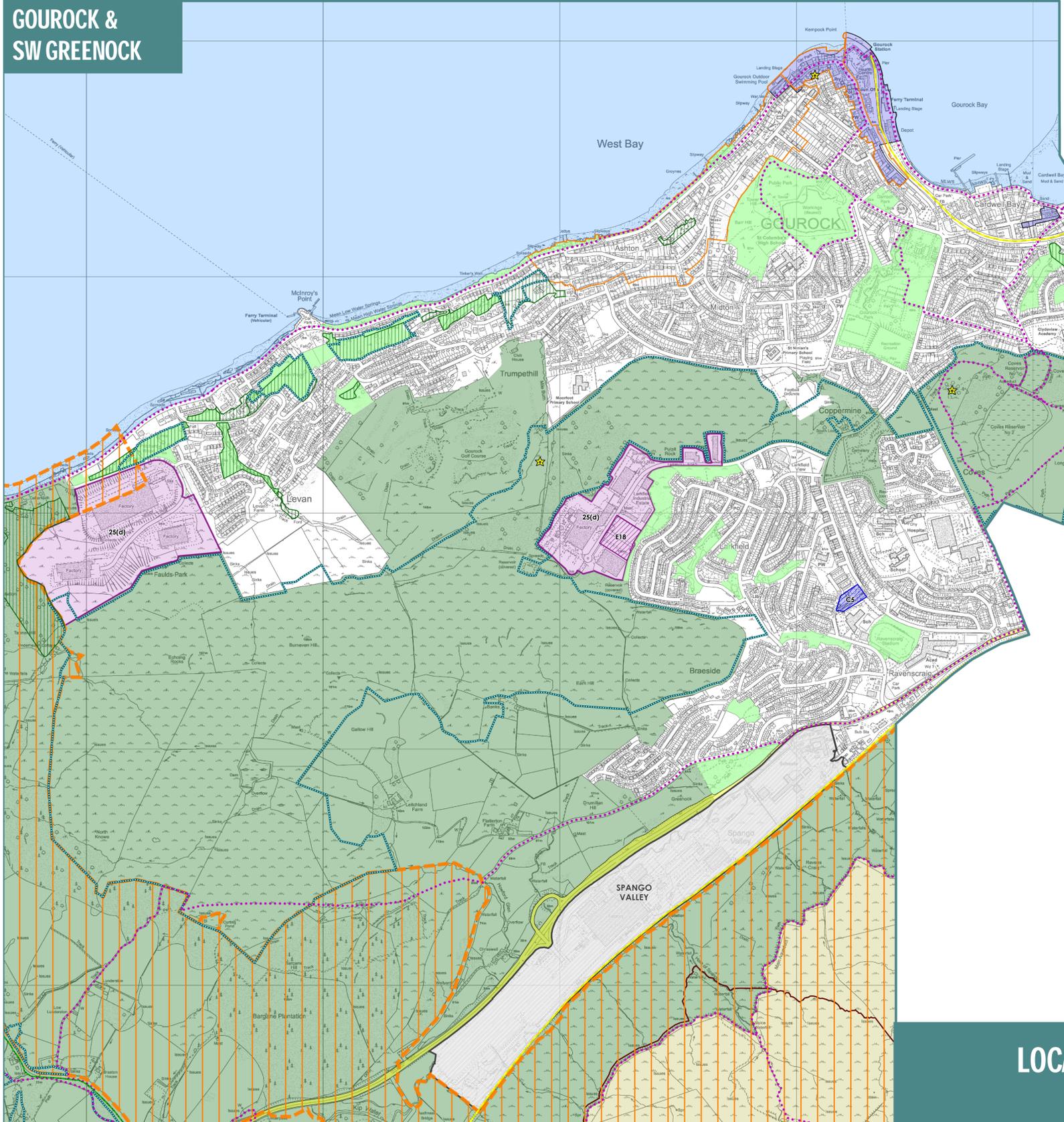


PORT GLASGOW

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
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	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.

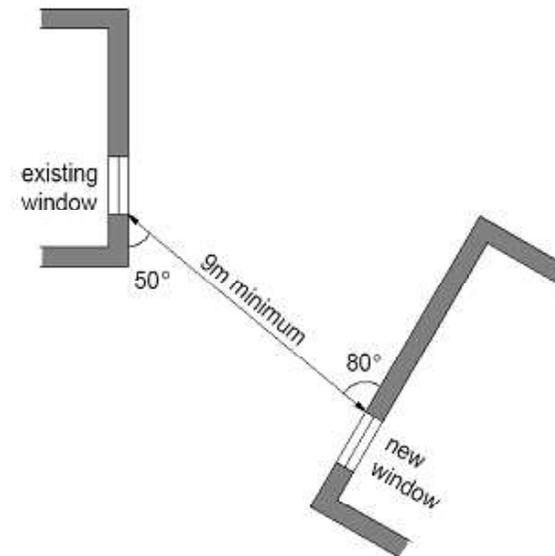


Brisbane Street, Greenock

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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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	Cities and Towns Rural Areas Coast and Islands National Developments	National Planning Framework (NPF)			
	Rural Development											
	Homes											
	Business & Employment	Zero Waste		Digital Connectivity		National Developments						
	Historic Environment											
	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

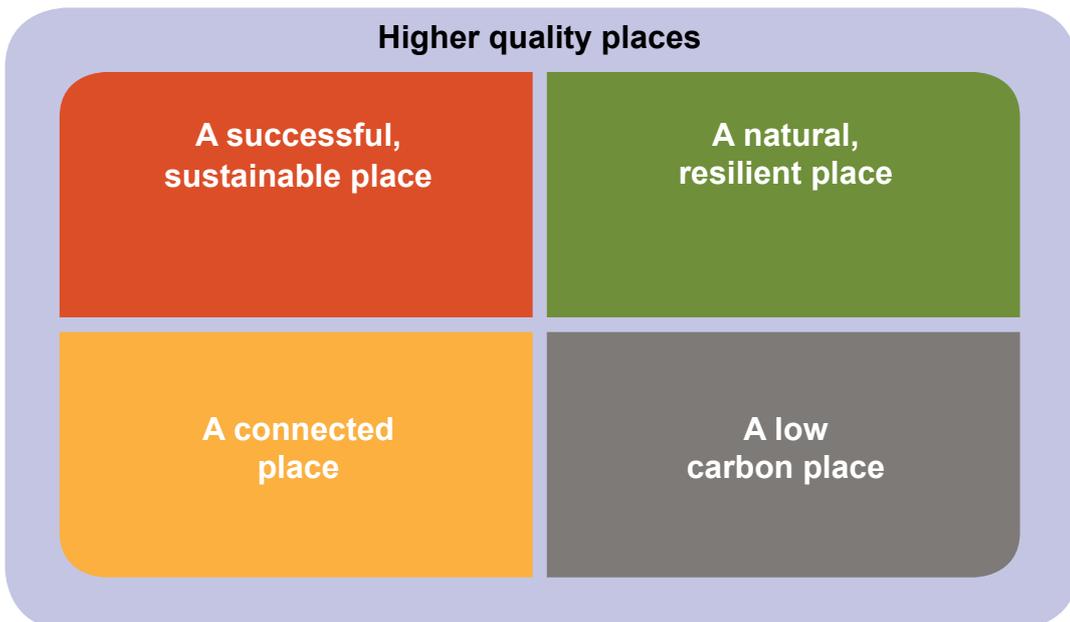
36. Planning’s purpose is to create better places. Placemaking is a creative, collaborative process that includes design, development, renewal or regeneration of our urban or rural built environments. The outcome should be sustainable, well-designed places and homes which meet people’s needs. The Government 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.

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.

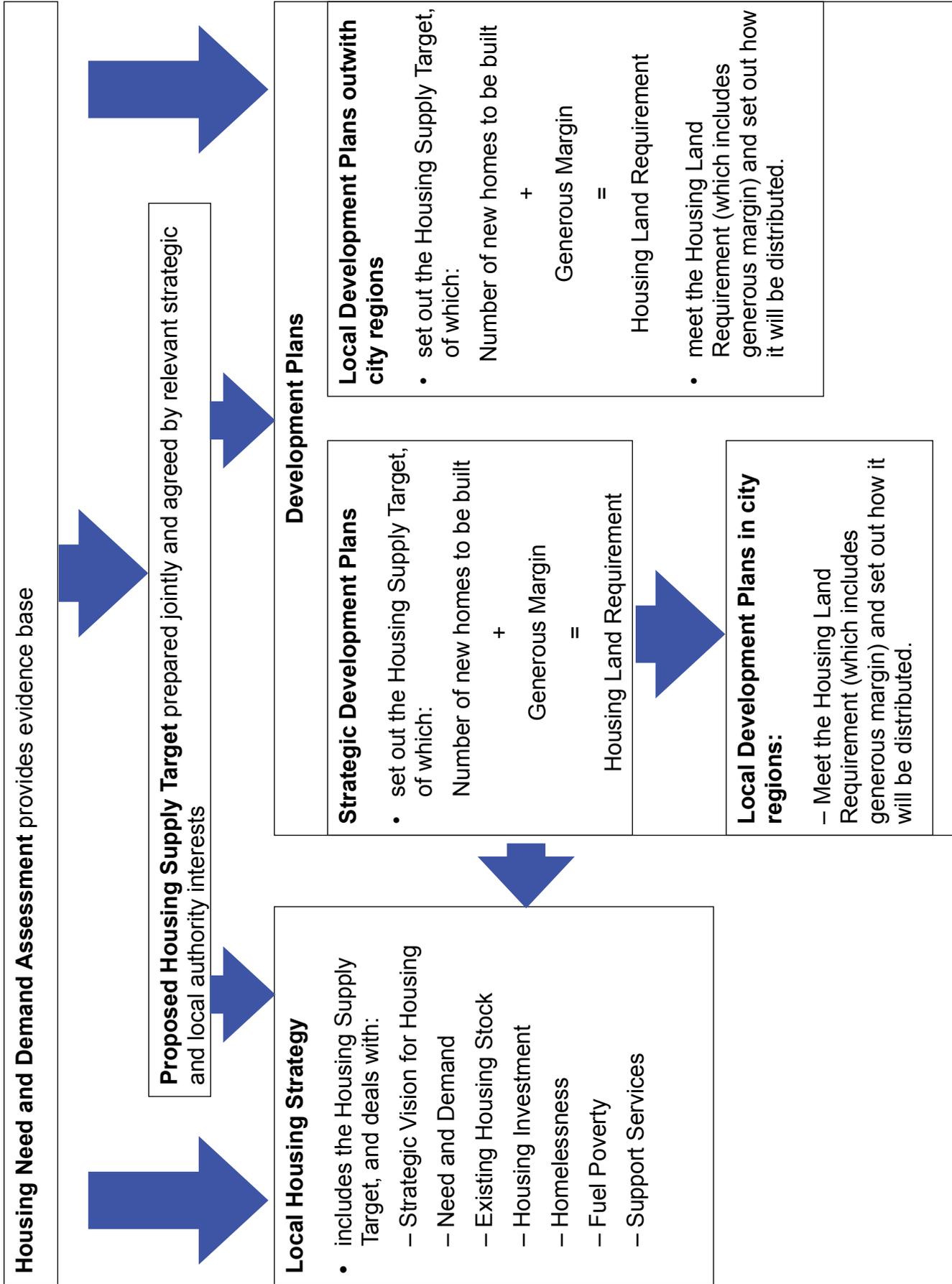
119. Local development plans in city regions should allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption. They should provide for a minimum 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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8. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Ms Deby Aikman

Address: 55 Doune Gardens Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I always thought this was a Green space on the estate ?

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Harry Murdovh

Address: 2 Brodick drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have been suffering problems with rain water and springs in this area so removing grassed area is not the way to solve the problem as the gullies have over flown on several occasions flooding garages we also have various springs come from the hills above causing damage. I would have thought that keep the grass area is better for the environment there is also the problem knot weed on the area where the sub station is. our area is well developed as it is do planning think we need more house if it was to be built on it would have been done 40 years ago the pitures of the house is not in keeping with house near buy and not in line it will look out of place

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

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: This property is being built on

Land that was for common good use. It will also require the removal a large underground electricity cable that serves the estate. This will cause disruption to supply to other properties.

Land was originally for green belt use. There is also an issue of drainage and flooding which will impact on other neighbouring properties as this piece of land provides natural drainage. It seems that all the green belt land in the estate is being sold off without consultation with the current residents.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr George Wall

Address: 8 Culzean Drive Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning application. The land proposed needs to be looked at regarding the flow of water below it. I know from my own experience water seems to flow down that area. I live behind the proposed area. I have had on occasions water pour into my garage and I see water coming out on a driveway at house onto the road at Dunvegan Avenue where the path to Brodick Drive is. Putting another building in this land may result in water backing up and flowing under my own house. Visually the build / design will not match in with others in the area, there will be a loss of green space, a loss of trees, loss of privacy for neighbours, the construction of the build will cause major disturbance and safety issues. The build will also result in the removal of a lamppost thus reducing the light on the road. All in all this is not an area that should be built on. It has been green space since the estate was built. It was never intended to be built on especially so near the power sub station,

From: Hilary Robertson [REDACTED]
Sent: 07 July 2022 12:41
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: Dunvegan Ave proposed site

Dear Ms Main

I wish to register my objection to the proposed dwelling adjacent to 35 Dunvegan Ave. The application is lodged by Euan Donaldson.

The green spaces in Levan were deliberately left to enhance the area and aid with the drainage. The garages across the road already flood in heavy rain and this structure would exacerbate this problem. The application states no trees will be removed, which doesn't seem to be the case. The structure is also out of keeping with the other houses and is far too high. There is also a main water pipe in this area and the land will have to be shored up to stop it sliding.

The Council have long stated that the public areas around Levan are not their responsibility and are the responsibility of Ardgowan Estate, hence why the steps in Culzean Drive have been left broken and dangerous for years. So why are the Council able to sell land which they deny belongs to them?

Please consider the Local Development Plan Policy 35 and 36 on pages 42 and 43 regarding this proposal.

I trust good sense will prevail in this matter.

Yours sincerely

Hilary Robertson
4 Culzean Drive
Gourock

Sent from my Galaxy

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Hilary Robertson

Address: 4 Culzean Drive Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: These open spaces were left for a reason. The garages across the road are liable to flood in wet weather. This house is far too high and trees will need to be cut down, despite what the plans state. The Council have shown little interest in Levan, hence why the steps at Culzean have been broken and unsafe for years, but they take ownership when they can sell off the common spaces.

Please consider the Local Development Plan Policy 35 and 36 on pages 42 and 43 regarding this proposal.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

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 am objecting to this house proposal, I am sick of the upheaval the street has been going through the heavy traffic the mess on the street from the building of these houses, I work as a nurse nightshift and its constant noise with the workers, plus the area's green belt is being compromised constantly for the greed of people

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Peter Bennett

Address: 41 Dunvegan Avenue, Gourock, Inverclyde PA19 1AJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I quote from the Land Title for my property REN84600 and the words below are within Burden 1 Para 2 of this title

"And the areas between the respective

dwellinghouses and any road formed ex adverso the same shall remain unbuilt on in all time"

I would be fairly certain that all the residents of the houses built at the same time as ours will have the same burden on their title and the protection of the green spaces on the site is an expectation of the residents of this estate. If the rights in our title are to be changed we would wish to know why and on whose authority.

What consultation has taken place ?

The site in question should therefore not be considered for development and the application refused.

Furthermore the site can only be developed in sections due to the electricity sub-station. The section on the south side of the sub-station is too small for the size of house proposed.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Anne Mackie

Address: 50 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I moved to this estate [REDACTED] ago. Mainly because of the green spaces. This made the estate feel like the countryside was all around you and the neighbours were easy to get to know because of the sociable pieces of grass where you could walk your dog and have a chat. Surely with global warming and the climate crisis, these spaces should be cherished instead of being decimated. The plot is very small with an electricity sub station on it. I think it would be horrendous to squash a house into this plot. There is a house being built across from his plot which has been going for a few years, there are numerous vans there every day. This is manageable but if the traffic was doubled this would be very detrimental to all residents having to negotiate this. I strongly object to this application and hope you seriously consider and reject this.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr James McKenna

Address: 3 Culzean Drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I received a Neighbour Notification from Inverclyde Council reference a Bld Application, 22/0169/1C and object to this on the following points.

I believe with the height and elevation of the Bld it will dominate the area and be totally out of character with all other builds in this area.

I am aware that there is a large water drain running close to this site as well as an electrical substation, and I would be concerned any construction would compromise the integrity of this drain, and substation.

I also have serious concerns with the increase of construction traffic. There is a house under construction opposite this build and there is already a safety issue with the level of construction traffic involved in this build.

I am also aware of a number of near misses with vehicles due to the construction vehicles parked all day. The addition of another set of vehicles immediately adjacent will seriously exacerbate this Health and Safety issue.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr James Elliott

Address: 6 Culzean Drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this proposed development.

Ground works have started already (~09/07/22), most of the turf has been lifted from the site leaving the area an eyesore. The site slopes down towards Dunvegan ave; the first time we get heavy rain the soil will be washed over the pavement and road rendering both both slippery and dangerous. Was the developer given permission to lift the turf?

My objection is on the loss of amenity. There are few open areas of grass land in this housing scheme for children/dog walkers to use, the area across the road is currently being developed, I do not want to lose another open space.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Donald cameron

Address: Blair Gardens Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the house being built on this open gap site.

The area is losing its character with another house being built in an open gap site.

The area is turning into a concrete jungle.

Also the affect this will have on the wild life with the loss more trees.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourrock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Anne Colquhoun

Address: 11 Brodick Drive Gourrock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My first objection to this planning application is that this plot is one of the amenity sites left by the original builders as open spaces which enhance the estate for all nearby residents and which all seem to be under threat of development at present. I would ask the Planning Officer to consider the Local Development Plan policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal.

I also have concerns about the adverse effects that building on this plot could cause with regard to water which already flows on to the pavement at this point during periods of heavy rain and, I believe, causes flooding in the garages of the homes across the road. Having read the planning statement I find it hard to understand how a 2 storey building with roof lights in the attic could be located on the plot without severely affecting the light and privacy of the bungalow behind whose private outside space located like mine (in a similar home nearby) would surely be overlooked.

15 JUL 2022

Please reply to

Alisdair T Tannahill
22 Dunvegan Avenue
Gourock
PA19 1AE

12th July 2022

Inverclyde Council
Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

Dear Sirs

**Planning Application 22/0169/IC – Two storey detached house
Land at Dunvegan Avenue (adj to substation) Gourock**

I refer to the above 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.

In the planning application statement, there is a reference to the effect that this land was never described as public open space and that Henry Boot did not call for the site to be shared in common amongst the remaining owners through title. This is completely erroneous

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 at 13 Dunvegan Avenue which is totally inappropriate and out of character with the rest of the estate. If this application is approved the aims and objectives of Henry Boot in 1978 will be negated and further eroded.

Despite changes in ownership of the land over the years it is my contention that this area of public open space should be retained as such and that the maintenance 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 solid black rectangular box used to redact the signature of Alisdair T Tannahill.

Alisdair T Tannahill

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

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 the Planning Application on the following grounds.

The proposed height/length/Width of the proposed dwelling is not in keeping with adjacent properties, or indeed the rest of Dunvegan Avenue. or indeed the lower half of the Castle Levan Estate.

The proposed external Material of the house is not in common with that area of Dunvegan Avenue.

The proposal of having a driveway for 3 vehicles is again not in common with that area of Dunvegan Avenue. The exit/entry access to the driveway has blind sides which will cause danger to the public on the pavement also will endanger vehicle traffic from the drive and Dunvegan Avenue The application states that no change to public paths, this is not correct, changes to the public pavement are required to gain access/exit to the pavement

The close proximatey to the Electric sub station, could cause a public heath danger, restricting access for Emergency and essential Services in case of fire, loss of electricity supply or flood.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr IAN MONTGOMERY

Address: 10 Culzean Drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to raise an objection to this planning application on the following grounds.

This area was always designated as in the awarded planning application obtained by Henry Boot Construction Ltd in 1978 as PUBLIC OPEN SPACE, why therefore has this applicant been able to purchase this land?

At the present moment in time we have a builder constructing a house across the road also on designated PUBLIC OPEN SPACE who has been working on this for over 3 years and the state of the site is a disgrace.

These PUBLIC OPEN SPACES were for the use of all the residents for recreation purposes not by some individual who has managed to purchase these and then sell of to make a quick buck.

12 bulzean Drive
Gourock
PA19 1AW
14/7/22.

Dear Sir,

Application Co. 22/0109/1C.

With reference to the above application (Planning), I would like to make the following objection.

When Henry Boat was granted permission to build the houses on this estate (around 1980) one of the conditions set by the then Council was that there should be a certain amount of land set aside for open amenity space.

Also the proposed house will be out of character with the houses already in Dunvegan Avenue.

For the above reasons, I think this application should be refused.

Yours faithfully
[Redacted] (Mrs.)
J WILLIAMS

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourrock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Marlyn Milne

Address: 53 Loch Awe Holiday Park Bridge of Awe Taynuilt

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This land was supposed to remain as green space

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Sandra Thomson

Address: 24 dunvegan avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Concerns about flooding , what about mental health having open green land which new estates have, also house is not in keeping with the area. Obviously the person who has bought the land has no consideration for neighbours by doing ground work without planning permission

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Anita Carroll

Address: 40 Dunvegan Avenue, Gourock PA19 1AE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 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 issues and concern in this instance. Please consider the local development plan LDP policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal. Thank you.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Patrick Carroll

Address: 40 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 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 favorably. I consider this to be a key issues and concern in this instance. Please consider the local development plan LDP policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal. Thank you.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Anita Carroll

Address: 40 Dunvegan Avenue, Gourock PA19 1AE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this plan as I have real concerns around flooding. The burns that run underneath have already proved an issue as neighbours have already been flooded. The construction will impact the drainage and exacerbate this issue. Where will that water go? I object to this green space being sold off for development. I am unclear about the land always being in private ownership as the council has been cutting the grass for years. Indeed Mr Donaldson has now lifted the grass and invited the general public in to help themselves to the turf resulting in random cars coming and going, causing parking issues. There will be privacy issues for various neighbours. This proximity to the electric sub station can not be good. This list goes on for objections. We do not want this proposal to be accepted.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Anita Carroll

Address: 40 Dunvegan Avenue, Gourock PA19 1AE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: 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 issues and concern in this instance. Please consider the local development plan LDP policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal. Thank you.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Ms Gaelle Smith

Address: 38 DUNVEGAN AVENUE Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The land, that the owner has brought is public open space and not intended for private use/development. The owner would have had to apply for a "change of use" and no 'change of use' is requested. Over the past 1-2 weeks, the owner has disposed of all nature on the plot - the entire grass, plants and 3 trees that were home to much wildlife, and not only nesting and feeding birds but hedgehogs with their young and I often see deer grazing on that land; well used to. Without any permission, the open space that many in the estate used as such for children to play on, has been disposed of.

The application notes 'there are no trees on the land'. At the time of the application, dated 05/07/22, there were still 3 trees, for which a tree preservation order had been submitted, making the application contain false information. The proposed house does not align with others on the street, making it dangerous for road visibility and the exterior colours proposed would not blend

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

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 would like to strongly object to the planning proposal 22/0169/IC

On the planning application the question "Are there any trees on or adjacent to the application site?" to which the reply "No" was indicated. I doubt this was merely an oversight and in fact a deliberate falsification as there were three substantial and obvious trees on the proposed site until the 20th July, when the owner had them felled, much to the dismay of many local residents.

With regards to the proposed house plans. The appearance of the dwelling would be at odds with the character and appearance of the street. The properties in the vicinity are of red brick with white doors, window frames facias, soffits and rainwater goods. The proposed grey brick would stick out & diminish the appearance of the street.

All open spaces contribute to the amenity and character of an area, they are the 'green lungs' and contribute to improving people's physical and mental health. New housing should be built on brownfield sites

Laura Graham

From: Sean McDaid
Sent: 25 July 2022 08:42
To: Laura Graham
Subject: (Official) Planning Application 22/0169IC - Objection.

Classification: Official

From: [REDACTED]
Sent: 20 July 2022 18:08
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Planning Application 22/0169IC - Objection.

Sir,

I ask you please to **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.

Furthermore, I note that there have been considerable issues with rainwater run-off from this site in the past, resulting in flooding and damage to properties directly opposite the site. I can see no consideration given to this issue within the current planning application and would imagine that the work undertaken recently on the site (removal of turf and mature trees) could only exacerbate this situation going forward.

In closing, I would also point out that there is a legal point of land ownership in respect to this piece of land. My understanding was that this piece of land was deemed as an "amenity space" within the original drawings for the estate - and that such spaces would be maintained by the local Council under an agreement with the developer at the time, Henry Boot Homes. The ownership of this and several other pieces of land is something that could be contested by homeowners in the estate - and it would appear that there is evidence to back up this information that several of the homeowners have access to - some have been staying on the estate since it was built.

I would ask you to consider these points when coming to a decision on this planning application.

Thanks and regards,

Andrew Currie
25 Dunvegan Avenue
Gourock
PA19 1AE.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Ian Smith

Address: 38 Dunvegan Avenue, Gourock, Inverclyde PA19 1AE

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1) Page 4 of the application - existing use - this land is public open space and has been since 1979.

See page 7 of 13 of 2017 17/0137/IC Appeal Statement Paragraph 4.6 final sentence.

2) Page 1 of the application. As the land is public open space, any construction on it would require a change of use contrary to what the applicant indicates.

3) Page 6 Assessment of flood risk - this land floods regularly with extensive run-off towards the properties across the road when there is high rainfall.

4) Page 1 of the application and Page 4 of the Planning Statement mention a two storey home. The Proposed House Plans 536010 show a two and a half storey home

5) Page 7 of the planning statement aligns the property with existing garages not the existing houses. This is not acceptable

6) Proposed House Elevations 536011 show 13 windows directly overlooking the houses opposite, an unacceptable loss of privacy for those residents.

I strongly object to this proposal.

Laura Graham

From: Sean McDaid
Sent: 25 July 2022 08:59
To: Laura Graham
Subject: (Official) Insufficient space for comments on application 22/0169/IC
Attachments: 2022 07 24 Comments on Application 22 0169 IC.docx

Classification: Official

From: Ian SMITH [REDACTED]
Sent: 24 July 2022 11:48
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Insufficient space for comments on application 22/0169/IC

Dear Mr McDaid, following the neighbour notification received on 7th July 2022, I have submitted my comments (limited to 1000 characters!) on the Inverclyde planning website for the application 22/0169/IC

As you will see from the attached document I have not been able to include points 3, 8 and 9 all of which I consider important to the objection.

I would ask you kindly to take these points into consideration when reviewing the case.

The attachment also contains a copy of the text referred to in comment 1 which would not paste into your web comment box.

Would you please acknowledge receipt of the message.

Yours sincerely, Ian Smith

2022 07 Planning Objection Comments 22/0169/IC

1) Page 4 of the application – existing use – this land is public open space and has been since 1979.

See page 7 of 13 of 2017 Appeal Statement Paragraph 4.6 final sentence.

Henry Boot Homes Division in turn exchanged this site with the site to the south-east as an area of public open space. To this day Inverclyde Council adopt and maintain this site accordingly. (See Production 8.17)

2) Page 1 of the application. As the land is public open space, any construction on it would require a change of use contrary to what the applicant indicates.

3) Contrary to the item 'Trees' on page 5 of the Application form there were at least 4 trees on the site when the application was submitted (06/07/2022). These trees are shown clearly in the photos on page 9 of the Planning Statement 536007. They have since been removed and the site stripped bare.

4) Page 6 Assessment of flood risk – this land floods regularly with extensive run-off towards the properties across the road when there is high rainfall. The land acted as an infiltration sponge before the turf, trees and shrubs were removed

5) Page 1 of the application and Page 4 of the Planning Statement mention a two storey home. The Proposed House Plans 536010 show a two and a half storey home

6) Proposed House Elevations 536011 show 13 windows directly overlooking the houses opposite, an unacceptable loss of privacy for those residents.

7) Page 7 of the planning statement aligns the property with existing garages not the existing houses which are aligned farther back from the road. This is not acceptable

8) Proposed location and block plan 56016 – the property is located very close to the Scottish Power substation – the application does not mention the possible effects of EMF (Electro-magnetic fields) on permanent residents

9) 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.

Laura Graham

From: Sean McDaid
Sent: 25 July 2022 12:57
To: Laura Graham
Subject: (Official) Planning Application number - 22/0169/IC

Classification: Official

From: Helen Murray-Lyon [REDACTED]
Sent: 25 July 2022 12:55
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Planning Application number - 22/0169/IC

Re Planning Application 22/0169/IC

I wish to object to the proposed building on Dunvegan Avenue Gourock

This area has already lost some of its green spaces at a time when environmental spaces are even more important due to well being and their contribution to offset global warming

The traffic increase on an already dangerous hill is also another factor which I feel means there should be no more developments in this area.

Helen Murray-Lyon
18 Urquhart Drive
Gourock
PA19 1JG

Laura Graham

From: Sean McDaid
Sent: 25 July 2022 13:25
To: Laura Graham
Subject: (Official) Planning Application number - 22/0169/IC

Classification: Official

From: Niall Murray-Lyon [REDACTED]
Sent: 25 July 2022 13:05
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Planning Application number - 22/0169/IC

Re planning Application 22/0169/IC

I wish to object to the proposed building on Dunvegan Ave Gourock

Green spaces are so important. Their role in the recent Covid crisis was immense. The role in residents well being is immense.

Their role in combating global warming should not be underestimated

Traffic is unready a problem on the hill up from Cloch Road and any new housing will only make this worse

There was general disturbance in the area when the new build opposite this building was commenced - flooding and movement of rats

I therefore object to this proposal and also any other new builds in this estate

Dr Niall Murray-Lyon
18 Urquhart Drive
Gourock
PA19 1JG

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Shaun Bonnar

Address: 2 Gordon Street Greenock

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As a local delivery driver, I must say this house will compliment the surrounding area without impacting on the already established properties. From what I can tell the design will not impact privacy and there will still be ample green space around the property.

MR. ALLAN D BEATON,
33 DUNVEGAN AVE
GOUROCK. PAIGIAE

21-07-22

DEAR SIR, I AM WRITING TO LODGE
AN OBJECTION TO THE PROPOSED
DEVELOPMENT ON LAND AT DUNVEGAN AVE
(ADJACENT TO SUB-STATION.) I HAVE
LIVED HERE FOR 42 YEARS AND HAVE
WATCHED THE DETERIORATION TAKING
PLACE ON OUR WELL PLANNED ESTATE
OVER THE YEARS, WITH OPEN PLAN LAND
BEING USES FOR NEW BUILDS, CHILDREN
IN THE PAST YEARS WOULD PLAY IN THE
OPEN SPACES ALONG WITH THEIR DOGS
AND IT WAS SAFE PLACE TO PLAY INSTEAD
OF THE BUSY ROAD TO PLAY BALL GAMES.
THERE WAS A PERIOD WHEN OPEN SPACE
LAND WOULD NOT BE USED FOR NEW
DEVELOPMENTS. SO I HOPE YOU CONSIDER
MY OBJECTION TO APPLICATION NUMBER
22/0169/1C AND REFUSE PLANNING
PERMISSION FOR THIS TWO STOREY
DETACHED HOUSE IN GOUROCK.

44 DUNUEGAN AVENUE

GOUROCK

PA191AE

16-7-2022

22/0169/1C

LAND AT DUNUEGAN AVENUE ADJACENT TO SUBSTATION
THAT WAS A GREEN AREA.

THE HOUSE IS TOO BIG FOR THAT LAND

WHEN IT'S HEAVY RAIN THE WATER RUNS FROM
THE LAND LIKE A STREAM ACROSS THE
ROAD DOWN OUR LAND.

THE ROAD IS TOO NARROW FOR THE TRAFFIC
ESPECIALLY LARGE VEHICLES

Signature Redacted:
'D Charles'



RECEIVED

26 JUL 2022

Laura Graham

From: Sean McDaid
Sent: 26 July 2022 16:42
To: Laura Graham
Subject: (Official) Response to Planning Application Number 22/0169/IC

Classification: Official

From: Elisabeth Burns [REDACTED]
Sent: 26 July 2022 14:36
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: Response to Planning Application Number 22/0169/IC

FAO MR SEAN McDAID

My response to Planning Application Number 22/0169/IC at Dunvegan Avenue, adjacent to Sub-Station) Gourock

Two storey detached house

I most strongly object to the proposed development on the following grounds:

1. Flooding
2. Development of open spaces
3. Wildlife habitats
4. Position and design of the property

WATER RUN-OFF, DRAINAGE AND FLOODING

Ref Local development plan Policies 8 and 9, specifically paragraph 4.12

The area is already prone to flooding, including my own property and two of my neighbours'. This has become noticeably worse in proportion to the number of developments up the hill on fields which once contained the rainwater. Continued development and hard surfacing of gardens and drives have exacerbated the problem of inadequate drainage to an unprecedented level.

The applicant states, 'In terms of drainage SUDS and permeable materials for hard landscaping will be introduced along the site edge with grey water recycling solutions for rainwater. ' This is inadequate and concerning. Two streams at least run through the site and there is considerable water run-off in heavy rain. In prolonged rain when the ground becomes saturated water flows from

the site across the road and into properties at 38, 40 and 42 Dunvegan Avenue. Scottish Water and Inverclyde Council's Environment and Flood Team have been involved in incidents in the past.

Recently grass and trees have been ripped up by the owner, destabilising the ground and adding to the likelihood of flooding.

PROTECTION OF TREES, WOODLAND AND FORESTRY AND DEVELOPMENT OF AN OPEN SPACE

The application is in contravention of *Inverclyde Council's Local Development Plan, both Policies 34 and 35*, designed to protect the environment and long-enjoyed amenity areas.

WILDLIFE HABITATS AND CONSERVATION

The site has always been a wildlife corridor for deer, foxes and hedgehogs, but development will destroy this. The recent removal of the trees has destroyed the roost of dozens of small birds, which have now disappeared from the location. This is contrary to the aims and objectives of the LDP regarding conservation and wildlife habitats.

POSITION AND DESIGN.

The location is thoroughly unsuitable. It is proposed to build the house into the hillside which further impacts water-run off and drainage.

It will be adjacent to an electricity substation which poses health risks.

The application is for a two storey house but plans are for two storeys plus an attic development containing a playroom with velux windows which overlook the houses across and would result in loss of privacy for the properties..

The situation of the proposed house is not in alignment with other adjacent houses but much closer to the road and would therefore further impact on the privacy and well-being of neighbours across the street.

The site has not been designated for construction and a change of use has still to be agreed.

I most strongly believe that development of this site would be detrimental to the area and in particular to the properties in the immediate vicinity and I urge rejection of the planning application.

Elisabeth A Burns
42 Dunvegan Avenue
Gourock
PA19 1AE

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Helen Smith

Address: 38 Dunvegan Avenue Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Property REN16

The applicant claims this as a « Vacant private site" but Henry Boot declared it as an area of public open space

Sold for £1 in 1986, again in 2012, then in 2017 it changed hands.

« A non-monetary reason for the property to be transferred » the nominally small purchase price is indicative of land not registered as constructible.

A flood risk assessment should be carried out as homes downhill are flooded in periods of intense rainfall through ephemeral springs.

SUDS would offer little or no protection against a surge in groundwater flow, through flow and overland flow. SEPA needs to be contacted to evaluate flooding risk. The increase in impermeable surfaces will also increase overland flow. This will only get worse with climate change.

The proposed building is not aligned with present housing.

There is Japanese knot-weed on this site (photos available) which the applicant has strimmed to remove - a sure way of propagating its spread.

I strongly object.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Maureen Watt

Address: 2 Urquart drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this development on the grounds that I think the green spaces are important in this estate building more houses will also affect the wildlife

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Irene Black

Address: 27 Dunvegan Avenue, Gourock, Inverclyde PA19 1AE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am submitting an objection to proposal 22/0169/IC on the grounds that this land is currently used as an amenity open space within the housing estate and has been since the estate was first created in 1977. 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 with regards to this proposal. In addition, residents are concerned that all of our designated amenity open spaces have now been sold to individual house builders who propose to build houses that are completely out of character with the estate, and is against requirements of the Scottish Planning Policy 2014, and with total disregard to the current residents of the estate and their rights to have amenity open spaces, as residents on Housing Associations enjoy.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Stuart McLaren

Address: 29 Dunvegan Avenue Levan Park Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am submitting an objection to proposal 22/0169/IC on the grounds that this land is currently used as an amenity open space within the housing estate and has been since the estate was first built in 1977. 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 with regards to this proposal.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Robert Cocksedge

Address: 16 Blair Gardens Levan Estate Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to register my objection to this planning application. In my view the Inverclyde Council have made no case for selling off land that is designated as green space on this estate. Further it is the Inverclyde Council's duty to prevent further work by the housebuilder and to ensure the land is reinstated to its original condition. I will contact my Inverclyde Councillor to confirm my objection and ask for an explanation with regard to sale of the designated as a green space. RCocksedge

Laura Graham

From: Sean McDaid
Sent: 01 August 2022 13:23
To: Laura Graham
Subject: (Official) Proposed Build Ave, Gourock Application number 22/0169/IC

Classification: Official

From: Maggie Lindsay [REDACTED]
Sent: 01 August 2022 13:20
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Proposed Build Ave, Gourock Application number 22/0169/IC

I wish to lodge my objection against planning permission regarding subject Proposed Build.

All residents of Levan estate should have been informed about the proposal.

Margaret Lindsay

13 Blair Gardens

Gourock

PA19 1HB

Laura Graham

From: Sean McDaid
Sent: 01 August 2022 08:36
To: Laura Graham
Subject: (Official) Proposed build Dunvegan Avenue - application 22/0169/1C

Classification: Official

From: anne blackley [REDACTED]
Sent: 30 July 2022 10:21
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Proposed build Dunvegan Avenue - application 22/0169/1C

I have stayed in our estate in Levan since new built in 1985, enjoying a green area which now appears to be disappearing.

I strongly object to any more of our green areas to be built upon.

Mr & Mrs M Blackley

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Miss Susan Stratton

Address: 30 Blair Gardens Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed building application. Ref LDP, Policy, 35 & 36. I do consider it necessary that the loss of such a space will need to be justified. I wish to conserve the natural beauty of the open spaces which were handed over by the developers for amenities, to remain as green space. The small green spaces in the estate provide opportunity for recreational activities, play and social interaction for the local children (these areas are very few in the estate), and is habitat for wildlife, especially a number of deer, foxes and badgers.

Ref Policy 33- development on this greenspace will have a significant impact on the local wildlife and the mature trees. There has also been knot weed identified at the site.

The visual and safety impact of a building squeezed in a small space with a very large substation in its grounds is concerning. Flooding is a concern with water ingress to the houses nearby. I request that the council consider all these objections favourable.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourrock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr Drew Forbes

Address: G/R 17 Union Street Largs

Comment Details

Commenter Type: Other External Organisation

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a retired but well respected architect and member of many professional bodies, who also worked with the Inverclyde planning department over many many years, I object to the planning application.

The obvious objection would be that the appearance of the proposed property would be incongruous with the surrounding properties.

More importantly however, the development would be detrimental through the loss of open space which is of quality in terms of amenity to the community.

Inverclyde Council Local Development Plan in regard to open spaces states:

11.2/11.4 "It is important that they are protected for their intrinsic value, but also for the contribution they make to the character and wellbeing of the area."

These open spaces are more important now than ever, improving air quality and limiting the impact of heatwaves by reducing urban temperatures. Urban vegetation stores carbon, helping to mitigate climate change, and reduces the likelihood of flooding by storing excess rainwater.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Lynn Perkins

Address: 1 Brodick Drive Gourock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have a couple of things to say about this it says 2 stories but the loft/attic is actually another floor making it 3 it stated no trees but quite clearly there was 4 but the person submitting planning has removed them and all the grass already! causing the ground in the heavy rain to be sodden but without the trees/grass to soak it up. This was designated to be amenity space for the people who live here and all estates now have to have this, built into it so why build in our space . All these houses here have been staggered throughout, making it looking ok But this house is horrendously out of keeping with everything else dark and imposing , very out of place here . It is dangerously close to the road for a young child and a sub station! The water has always been a problem for the last 40 yrs we have lived here running from the golf course down this gap through garages and gardens both under and over ground with several underground springs joining it. We need our space and light

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Lynn Perkins

Address: 1 Brodick Drive, Gourock PA19 1AF

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: When this estate was established this area was left as an amenity area for the people that live here, new housing estates now have to have these spaces I believe. Now for families to take children to an area to play out with their own gardens and fenced off from roads is the other side of Gourock. Which means taking a car or walking a young child along a main road. This is a great place to play and had 2 swings in 2 trees one was over 60 yrs old! The trees contained birds also this area is a place where we often see both foxes, deer and hedgehogs. It also had wild orchids, violets and primroses. Inverclyde is supposed to be leaving areas for trees and wild life, and I consider this area to be too small to accommodate such a large house. Plus the use of weed killer used this week on large areas of this ground without warning. I know that knot weed was present but with all the Earth movement over the past 2-3 weeks it could be everywhere. This area is important to us

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Isobel Delussey

Address: 8 Dunrobin Dr. Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the ever dwindling open green spaces around us. In this day and age it has been recognised that such spaces are needed not just aesthetically but for the wellness of humans and animals. Previous planning consent on this estate has deemed that certain areas should be classed as open green spaces so why are we now undoing those and indeed why have they been sold for building purposes? This is a retrograde step on so many levels and a safe guard must now be built in to all such sites carrying the warning for all potential buyers that this is "common good land" and will not carry planning permission - to save our green spaces but also to stop buyers losing money and to stop land/habitat degradation of the sort which is happening at the present site. I trust, if consent is denied, that the site will be returned to a living, growing space and trees, bushes replanted.

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mrs Wilma McLaren

Address: 29 Dunvegan Avenue Levan Park Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am submitting an objection to proposal 22/0169/IC on the grounds that this land is currently used as an amenity open space within the housing estate and has been since the estate was first created in 1977. This proposal is against Policy 35 of the adopted LDP and Policy 36 of the proposed LDP relating 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. Currently the wider residential development's "amenity open spaces/open spaces" are in danger of being eroded, which is contrary to the Council's LDP. In addition, the level of construction with utilities and drainage required to be undertaken on this sloping site will cause a major local upheaval.

Laura Graham

From: Sean McDaid
Sent: 08 July 2022 09:52
To: Laura Graham
Subject: (Official) planning app 22/0169/ic

Classification: Official

From: [REDACTED]
Sent: 08 July 2022 09:48
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: planning app 22/0169/ic

Hi,

I submitted objection to above ref and would like to add few more comments to my objection..

We live at 7 Culzean Drive Gourrock PA191AW which overlooks proposed development, on looking at details of proposed development it will be 3.7 mtrs from our boundary hedge, proposed site has steep incline down to pavement on Dunvagen Ave and ground floor will be excavated into hillside, the first floor then is horizontal with our garden and at only 3.7 mtrs from us this will make us feel uncomfortable with windows looking both in to our garden and our home which has patio doors and panoramic window on our sun lounge facing proposed development.

Also the roof of proposed home will be horizontal with our home and from drawings not sure if they propose velux windows on roof which again would mean they will both be looking down in to our garden and in to our home.

Finally given the distance of 3.7 mtrs from our boundary to the new home and steep incline of the site there is no mention of a retaining wall to prevent ground slipping forward, there has long been history of ground water from Culzean Drive through our property down proposed site and in to garages across from proposed site on Dunvagen Ave. This water then comes to surface through mono block driveway of home further down Dunvagen Ave at the junction with Stirling Drive. I have picture taken of this in dry weather showing water running from driveway across pavement and road to nearest drain.

Kind Regards

Robert Craig

Laura Graham

From: Sean McDaid
Sent: 11 July 2022 15:06
To: Laura Graham
Subject: (Official) plannimd app 22/0169/IC

Classification: Official

From: [REDACTED]
Sent: 11 July 2022 14:48
To: dmplanning <dmplanning@inverclyde.gov.uk>
Subject: plannimd app 22/0169/ic

Hi,
Further to my objection raised previous email can I add further comment to it please.
Please consider the local development plan policy 35 and 36 on pages 42-43 respectively in regards to this proposal.

Regards

Robert Craig
7 Culzean Drive
Gourock
[REDACTED]

Comments for Planning Application 22/0169/IC

Application Summary

Application Number: 22/0169/IC

Address: Land At Dunvegan Avenue (adjacent To Sub-station) Gourock

Proposal: Two storey detached house

Case Officer: Sean McDaid

Customer Details

Name: Mr robert Craig

Address: 7, Culzean Drive, Gourock, Culzean Drive, Culzean Drive Culzean Drive Gourock

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: House will be out of character to surrounding homes, water table will be altered as we have underground spring going through our property in to grass area where proposed home will be situated .It goes across Dunvagan Ave and into properties opposite the proposed development. Loss of amenity to local area.

Potential for ground slip from our garden in to proposed development.

Proposed development Should have retaining wall to prevent ground slipping forward

Contact Details

Name robert Craig
Address 1 7
Address 2 Culzean Drive
Town Gourock
County Renfrewshire
Postcode PA191AW



Enquiry Details

Planning
Application Site land at Dunvagen Ave adjacent to Substation Gouroc
Address:

Nature of Enquiry: Comments

What are your comments? Hi, I have submitted objection to planning dept regarding application 22/0169/22. After looking further at drawings for house can I add another comment to my objection please? The close proximity to our home and height of proposed home will put our garden and home into shade most of the day as the sun rises over Bute and moves over the course of the day setting above the Holy Loch. Regards
Robert Craig

How can we help? (your question) Can you add my comment to my already submitted objection please. Thank you Robert Craig

Laura Graham

From: Sean McDaid
Sent: 25 July 2022 13:25
To: Laura Graham
Subject: (Official) Planning Application number - 22/0169/IC

Classification: Official

From: Niall Murray-Lyon [REDACTED]
Sent: 25 July 2022 13:05
To: Sean McDaid <Sean.McDaid@inverclyde.gov.uk>
Subject: Planning Application number - 22/0169/IC

Re planning Application 22/0169/IC

I wish to object to the proposed building on Dunvegan Ave Gourock

Green spaces are so important. Their role in the recent Covid crisis was immense. The role in residents well being is immense.

Their role in combating global warming should not be underestimated

Traffic is unready a problem on the hill up from Cloch Road and any new housing will only make this worse

There was general disturbance in the area when the new build opposite this building was commenced - flooding and movement of rats

I therefore object to this proposal and also any other new builds in this estate

Dr Niall Murray-Lyon
18 Urquhart Drive
Gourock
PA19 1JG

**9. DECISION NOTICE DATED 25 OCTOBER 2022
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

**Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY**

Planning Ref: 22/0169/IC

Online Ref: 100580882-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013***

**Mr Euan Donaldson
76D Berwick Road
GREENOCK
PA16 0HL**

**ArchiSTarchi Ltd
51 Netherplace Road
Newton Mearns
GLASGOW
G77 6BU**

With reference to your application dated 1st July 2022 for planning permission under the above mentioned Act and Regulations for the following development:-

Proposed detached house at land at Dunvegan Avenue (adjacent to sub-station), Gourock

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulations hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposed development results 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 surrounding residential area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policies 20 and 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development.
2. The proposed development results 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 surrounding residential area and therefore cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
3. The proposed development results in the loss of open space which contributes to the amenity, character, appearance and distinctive urban form of the surrounding residential area. The loss of this open space therefore cannot be considered meet the quality being "Distinctive" under Policy 1 of both the adopted and proposed Local Development Plans.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 25th day of October 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:
P-P-90-102-A		01.06.2022
P-P-90-001-A		01.06.2022
P-P-90-002-A		01.06.2022
P-P-90-003-A		01.06.2022
P-P-90-100-A		01.06.2022
P-P-90-101-A		01.06.2022
P-P-90-103-A		01.06.2022
P-P-90-104-A		01.06.2022
P-P-0-500-A		01.06.2022
P-P-0-501-A		01.06.2022
P-P-0-502-A		01.06.2022

**10. NOTICE OF REVIEW FORM DATED 31 OCTOBER
2022 WITH SUPPORTING STATEMENT FROM
ARCHISTARCHI LTD.**

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 100580882-006

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:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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="Euan"/>	Building Number:	<input type="text" value="76D"/>
Last Name: *	<input type="text" value="Donaldson"/>	Address 1 (Street): *	<input type="text" value="Berwick Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PA16 0HL"/>
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="Vacant Site at Dunvegan Avenue"/>

Northing	<input type="text" value="676340"/>	Easting	<input type="text" value="221762"/>
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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 detached house at land at Dunvegan Avenue (adjacent to sub-station), Gourrock

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.

Our client Mr Donaldson is submitting this appeal against the Refusal of Planning Consent for Application Reference 21/0169/IC as issued by Inverclyde Council on 25th October 2022. Appealing against Items 1, 2 and 3 contained within the refusal document Please refer to appended statement of appeals document and accompanying appendix information.

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)

Cover Letter Planning Appeal Statement Appendix 01 -Pre-Application Planning Submission Original and Pre-Application Revised Proposals Appendix 02-Formal Planning Application Proposals Appendix 03-Henry Boot Development Plan (Ref. BC9410/3) Appendix 04- General Register of Sasines Book 5885 Site Plan for SSEN Appendix 05-Resident's representation on 19.10.2017 Appendix 06-Town and Country Planning Scotland Act 1997 p184 Part XIV Appendix 07- 7/0134/IC Local Review Body Granted Conditionally

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/0169/IC

What date was the application submitted to the planning authority? *

01/07/2022

What date was the decision issued by the planning authority? *

25/10/2022

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 Stewart Thomson

Declaration Date: 31/10/2022

31ST October 2022

archiSTarchi Ltd
51 Netherplace Road
Newton Mearns
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The Head of Legal and Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
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Request for Notice of Review

Planning Application Reference Number: 22/0169/IC (Refusal)

Project: Proposed Detached House

Property Address: Land at Dunvegan Avenue (adjacent to sub-station), Gourock

Category of Development: Local Application Development

With regards to the above noted Planning Application refusal dated 25.10.2022, on behalf of our client Mr Donaldson and under the TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)REGULATIONS 2013, we herby submit an appeal review for formal consideration.

We look forward to acknowledgement of receipt of appeal and welcome any discussion moving forward for what is a crucial project for Mr Donaldson and his family.

Yours Sincerely

S Thomson

Stewart Thomson B/Arch DipArch ARB RIBA ARIAS
Director
archiSTarchi Ltd

Enc.
Planning Appeal for Application (Ref. 22/0169/IC)

PLANNING APPEAL FOR APPLICATION (Ref. 22/0169/IC)

Planning Application Reference Number: 22/0169/IC (Refusal)

Project: Proposed Detached House

Property Address: Land at Dunvegan Avenue (adjacent to sub-station), Gourrock

Category of Development: Local Application Development

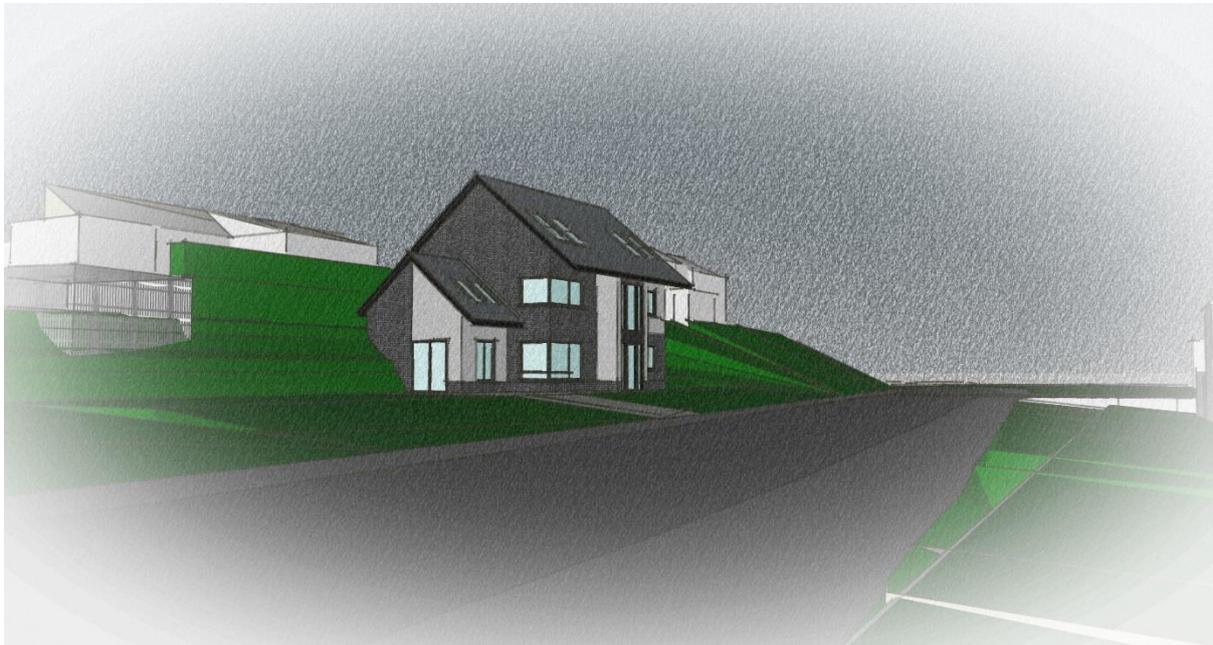


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1. Introduction

archiSTarchi is Chartered Architect practice based in the Greater Glasgow area with experience of working on a range of residential and commercial projects all over the UK. Stewart Thomson is a fully Qualified Chartered Architect and Owner/Director of the practice, Associate member of the Royal Incorporation of Architects in Scotland, member of the Royal Institute of British Architects and an ARB registered Architect.

We were appointed by our Client, Mr Euan Donaldson, in early 2022 to undertake Architecture services in respect of a new house to the privately owned site at Dunvegan Avenue, Gourrock adjacent and surrounding a small electrical sub-station.

1.1 Reason for Appeal

Our Client is submitting this appeal against the Refusal of Planning Permission for Application Reference 22/0169/IC as issued by Inverclyde Council's Regeneration and Planning department on 25th October 2022.

The reasons for the refusal were identified as follows:

- 1.** The proposed development results 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 surrounding residential area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policies 20 and 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development.
- 2.** The proposed development results 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 surrounding residential area and therefore cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
- 3.** The proposed development results in the loss of open space which contributes to the amenity, character, appearance, and distinctive urban form of the surrounding residential area. The loss of this open space therefore cannot be considered meet the quality being "Distinctive" under Policy 1 of both the adopted and proposed Local Development Plans.

With consideration to the above items, we would hope within this appeal to demonstrate Mr Donaldson's proposed house in not contrary to Local Development Plan Policies 20 and 36, as the loss of open space is not relevant with the development being in the right place of a residential area.

We also hope to demonstrate the development considered complete with its locale in mind. It is sympathetically designed and is absolutely of quality and distinction.

2. Development Background

Upon appointment we at archiSTarchi Ltd in conjunction with our Client and family embarked on an outline design process which resulted in a pre-planning submission to Inverclyde Council on 24th February 2022.

These early outline proposals explored the possibility of two detached houses with our Client's ambition to provide a home for his family, alongside an opportunity to provide an additional local family home were submitted for consideration and early Pre-Planning advice. Outline sketch drawings and Architect's design statement detailing the ambitions project are accompanied to this appeal statement for information.

We received a response to our pre-planning application enquiry on 03rd March 2022 from Planning Officer Sean McDaid with comments as follows:

"It is noted that two houses are proposed on this irregular shaped area of sloping grass and the existing sub-station is to remain which will sit between the two plots. I assume that discussions have taken place separately with the utilities provider operating the sub-station regarding any implications of the proposal in proximity to their infrastructure.

Policies 1, 6, 10, 11 and 35 of the adopted Local Development Plan and Policies 1, 6, 11, 12, 18, 20 and 36 of the proposed Local Development Plan are relevant to the proposal. Both the adopted and draft Planning Application Advice Notes (PAANs) 2 and 3 on "Single Plot Residential Development" and "Private and Public Open Space in New Residential Development" respectively are also relevant.

This area of grass is not designated for potential development in either the adopted or proposed Inverclyde Local Development Plans (LDP) however this area is amenity open space at this location for the existing housing estate and has been maintained as such. 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. If you proceed with a planning application justification for the loss of this open space based against Policy 35 and 36 will be required to accompany the application.

Policy 18 of the proposed LDP relates to Land for Housing and indicates that in order 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

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Through New Development. Policy 20 of the proposed LDP relates to the impact of development on the amenity, character, and appearance of the residential area.

If the loss of this open space is justified, under the general terms of Policies 18 and 20 of the proposed LDP the principle of proposed houses at this location may then be acceptable subject to the details of what is proposed.

In terms of Policy 1 of both the adopted and proposed LDPs the qualities of being “Distinctive” (respecting urban form; reflecting local architecture and materials) and “Welcoming” (integrate new development into existing communities) are relevant to discussing this proposal at this stage in terms of how the proposal relates to the site and surrounding area.

With regards to the siting and proposed design the image on drawing P-P-0 100 gives the impression that the ground levels are to be reduced to create a flat site with retaining walls constructed around the side and rear boundaries. I do not see how this would be possible as the sub-station is elevated above Dunvegan Avenue, and I would have concerns at the extent/height of the retaining walls that would be required. I assume however that a level platform will be created where the footprint of the house is to be in each plot resulting in each house being elevated above Dunvegan Avenue with sloping front and rear gardens. It would be useful to see a contextual street elevation showing the existing houses on either side in order to compare the heights of the proposed houses to the existing houses on this side of the street as well as sections through the plots to the respective houses at the rear.

It is acknowledged that the irregular shape of the land and position of the sub-station restricts the plots and where the houses are located in each plot. However, what has been shown on the site plan gives the impression of the houses being randomly placed rather than following established building lines. Although there may be staggered building lines at the existing houses on the opposite side of the street these are the same house type and on the approaches along Dunvegan Avenue from the north-east these houses are viewed together. The position of the proposed houses and their different alignments at this land however emphasises their contrast to their surroundings.

Both the adopted and draft PAAN2 give advice for infill plots, which this proposal is. PAAN2 includes advice that established street front building lines should be followed and the distance of the building to garden boundaries should reflect that in the locality. PAAN3 includes advice that rear garden depths should be 9m. The distance from the rear elevation of the house at Unit A to the rear boundary with the nearest house in Culzean Drive does not meet this advice. There may be overlooking and privacy issues for both the existing and proposed houses because of this. A section through Unit A to the house at rear will allow the potential impact on the existing property to be assessed further.

There are a variety of house types and styles in the surrounding residential area although near this proposal they are simple in form. The palette of external materials on

the existing houses are what would normally be found in a residential area. In this context the form and appearance of the proposed houses should be simple. It is noted that the proposed external materials for the proposed houses have not been finalised however I would be concerned at extensive use of timber cladding or other cladding panels on the elevations in this context.

In accordance with the National Roads Development Guide each house is required to have the requisite amount of off-street parking as referred to in Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. Based on the information on the proposed site plan each house plot can accommodate the requisite amount of parking on each driveway. The Council's Roads and Transportation Service will be consulted should a planning application be submitted however I anticipate they will flag up what is to happen to the surface water drainage in the driveways, particularly if these are to be sloping. The surface water drainage for the driveways needs to prevent water discharging direct onto Dunvegan Avenue.

You should note that Policy 6 of both the adopted and proposed LDPs relate to low and zero carbon generating technology and the expected standards are specified in each policy. In addition, the provision of electric vehicle charging facilities, which would be one trickle charging point for each house in this instance, are required to comply with the terms of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP.

I am afraid there are too many matters that I have concerns about in terms of the layout for favourable consideration can be given to the proposal at this time. I am happy to give further feedback should further drawings be submitted."

Upon receiving the comments from Mr McDaid, we embarked on revised outline proposals taking on board and addressing those comments. A revised set of outline drawings and design statement was further submitted on 13th April 2022 which also addressed the matter of open space with a hope of securing a favourable opinion.

A further initial response to our re-submitted information was received from Mr McDaid on 18th May 2022 and thereafter a more detailed response on 24th May 2022 with comments as follows:

"Following on from my email dated 18/05/22 regarding Policies 35 and 36, I have now managed to look at the additional information/plans and note what you have indicated in the Pre-Planning Comments Response Document April 2022.

The revised site plan P-P-90-102 is an improvement in terms of the alignment for Plot 02 (Unit B) and is more closely related to the positioning of the house at 35 Dunvegan Avenue and its detached garage.

I note what you have indicated regarding the position and orientation of the house at Plot 01 (Unit A) being in effect a transition to other houses to the south-east. It is also noted that the ridge and eaves lines of the house at Plot 01 (Unit A) as shown on

drawing P-P-90-102 is lower than the nearest house at Culzean Drive. There may be some merit in this however I do not consider that what is indicated as the "private rear garden" of this plot will be read as this on the approaches to the site along Dunvegan Avenue from the north-east. The rear gardens of the neighbouring houses that back onto Dunvegan Avenue are more clearly read as rear gardens. The house at Plot 01 (Unit A) still gives the impression of the it being randomly placed rather than following established building lines and this still emphasises the contrast with its surroundings.

I would suggest that moving forward that Plot 01 (Unit A) should be dropped from the proposal at this time and to focus on Plot 02 (Unit B). Further feedback can be given should detailed elevations be submitted for Plot 02 (Unit B), including a more detailed proposed street elevation as to what is shown on drawing P-P-90-104."

Upon receiving the above further comments from Mr McDaid and taking these on board, we worked towards a formal Planning Application Ref: 22/0169/IC, submitted on 1st July 2022 and registered on 6th July 2022.

This application was for a single detached house on the site located to the more appropriate southern end of the site, an application which was refused over three months later 25th October 2022.

3. Planning History

When looking at the rationale for the Decision Notice, the underlying reason noted in the Report of Handling, was due to the site being designated as "open space" under planning permission IC/77/115.

It must be made clear however the application site has always been privately owned and purchased by Mr Donaldson through a private sale and was never designated as "open space", "Public Open Space" or any derivation under planning permission IC/77/115.

We feel it is critical and key to provide the reader an understanding of the full planning history of the site to confirm this, and as such have compiled the focal points from when the site was originally zoned for development by Inverclyde District Council in 1975 and how this site did not form part of IC/77/115.

All documentary evidence of this historical Planning Permission was provided directly by Inverclyde Council Planning Department from their own public records via the Inverclyde Planning Online portal.

The original planning application for the whole of the Levan Farm area in Gourrock, which our application site is part of, was submitted on 18th April 1975 by housing developers, Weir Construction Ltd, (Ref. IC/75/115) for the erection of 172 houses.

On 14th November 1975, Inverclyde District Council granted planning permission subject to conditions.

The decision notice stated on conditions 1: *"That the development to which this permission relates must be begun within five years from the date of this permission."*

The development did not commence, and on 3rd May 1977, Henry Boot Homes Division of Sheffield applied to amend this permission to erect fifty-five houses at Levan Farm.

On 19th January 1978, Inverclyde District Council granted planning permission subject to conditions. (Ref. IC/77/115)

The decision notice states the conditions as.

(1) "That the development to which this permission relates must be begun within five years from the date of this permission.

- (2) The existing trees being retained as shown on the layout plan,
- (3) The details of the trees to be planted being agreed with the Director of Planning and Technical Services, before the commencement of work,
- (4) The play areas shown on the layout plan being prepared and maintained to the specification and the satisfaction of the Director of Planning and Technical Services,
- (5) The open spaces being landscaped and maintained to the specification and satisfaction of the Director of Planning and Technical Services,
- (6) Any trees which are damaged or dying during the period of construction to be replaced by semi-mature trees specified by the Developer to the satisfaction of the Director of Planning and Technical Services.”

The layout plan referred to in the decision notice and accompanying the application is the superseded drawing BC9410/3 (Figure 1), which clearly shows our Client's site highlighted in Red was on the development plan yet other areas were identified as “Public Open Space”.

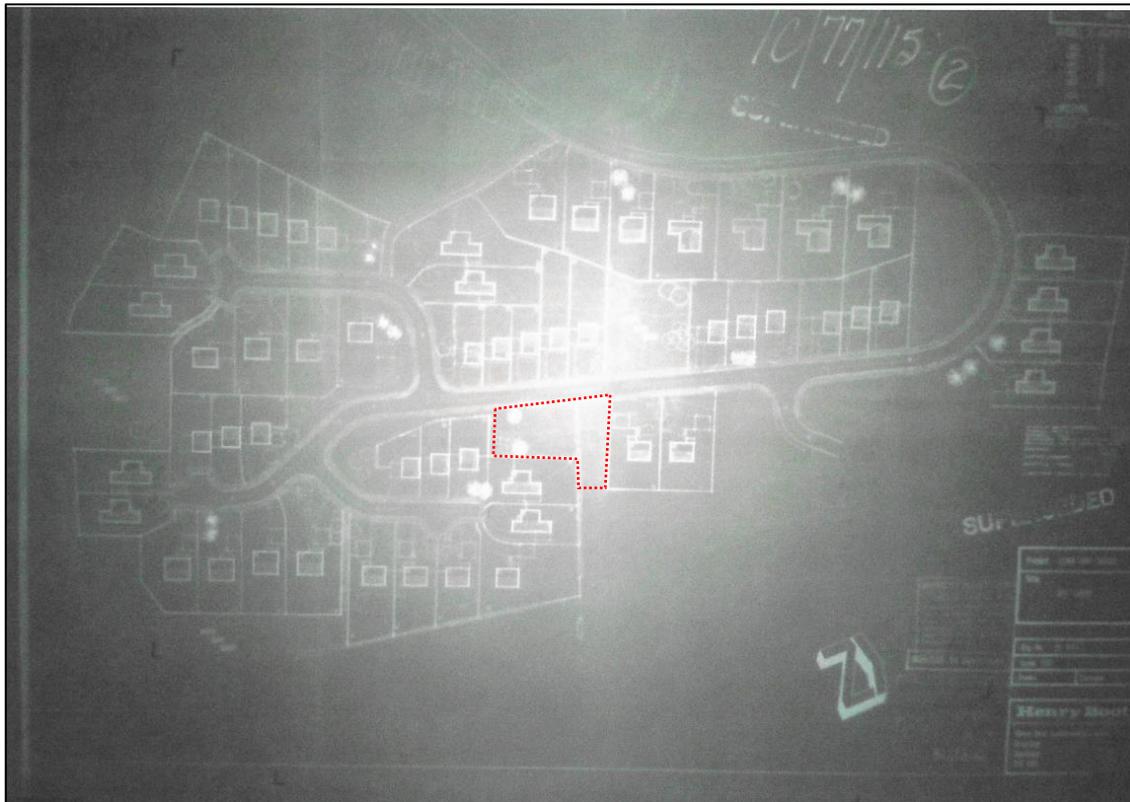


Figure 1. Henry Boot Development Plan (Ref. BC9410/3) from Approved Planning Application IC/77/115

On further investigation, an improved view of this historic record was also captured

within Registers of Scotland General Register of Sasines (Figure 2) which is overlaid.

Following Inverclyde District Council granting planning permission on 19th January 1978, one year later Henry Boot disposed a small area of 25m² to The South of Scotland Electricity Board (now SP Distribution Plc) together with a 3m wide access cable wayleave on 22nd January 1979.

The title plan was drafted on 21st March 1978 and entered onto Registers of Scotland General Register of Sasines on 01st March 1979.

This is an improved view of drawing BC9410/3 which clearly identified certain areas as "Public Open Space" and we note our Client's site is excluded from the development plan and it not bounded.

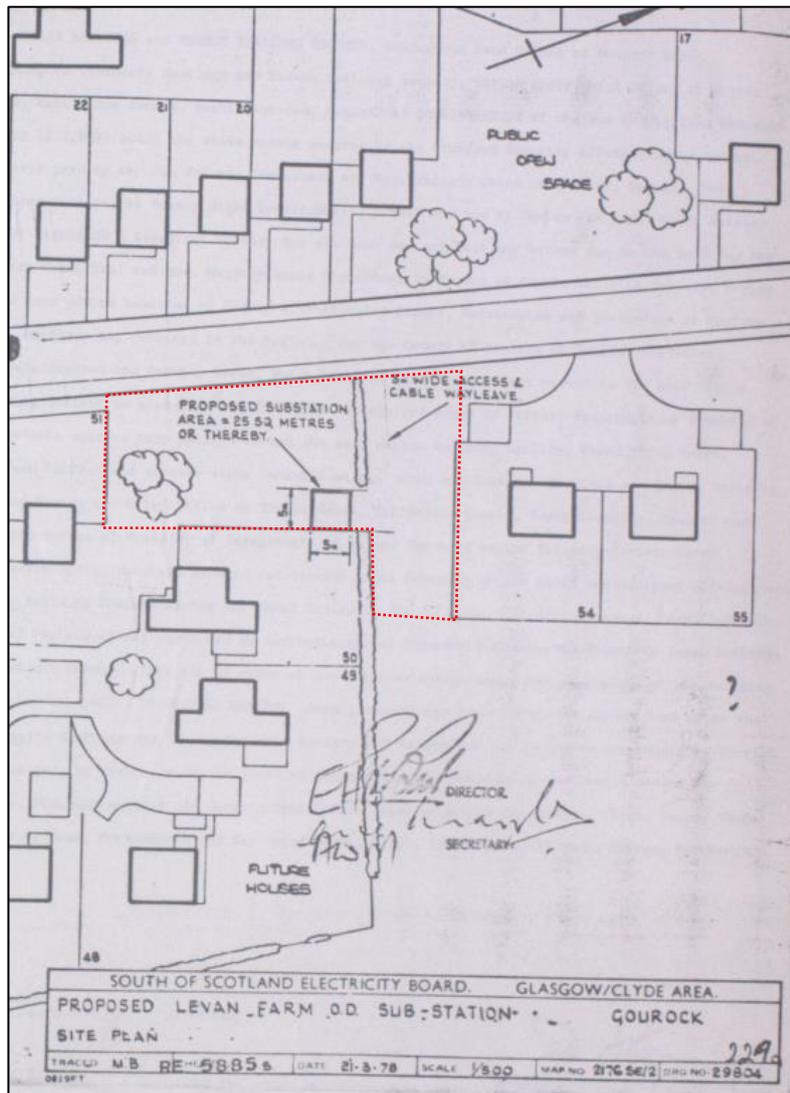


Figure 2. Registers of Scotland General Register of Sasines Book 5885 Folio 227 Site Plan for SSEN

Within a successful Planning Application related to the land between 34 and 36 Dunvegan Avenue (Ref. 17/0134/IC) across the road from our Client's site, there is a representation published as a matter of public record from the resident of 38 Dunvegan Avenue on 19th October 2017 to one R. McGhee from Inverclyde Council's planning department confirming *“Unlike the land between 34 and 36 Dunvegan Avenue this area is dangerous for children to play in as it slopes towards the road”* in reference to our Client's site.

Whilst we do not agree it is “dangerous” which was confirmed by SP Energy Networks as most certainly “safe” through an EMF survey in early 2022, it is frankly impractical to be considered a play area due to its' sloped nature.

Within this representation, the resident proceeds to provide a diagram of the original Levan Farm Estate plan from 1979 which does identify areas of “public open space” yet excludes our Client's site to which this appeal relates to.

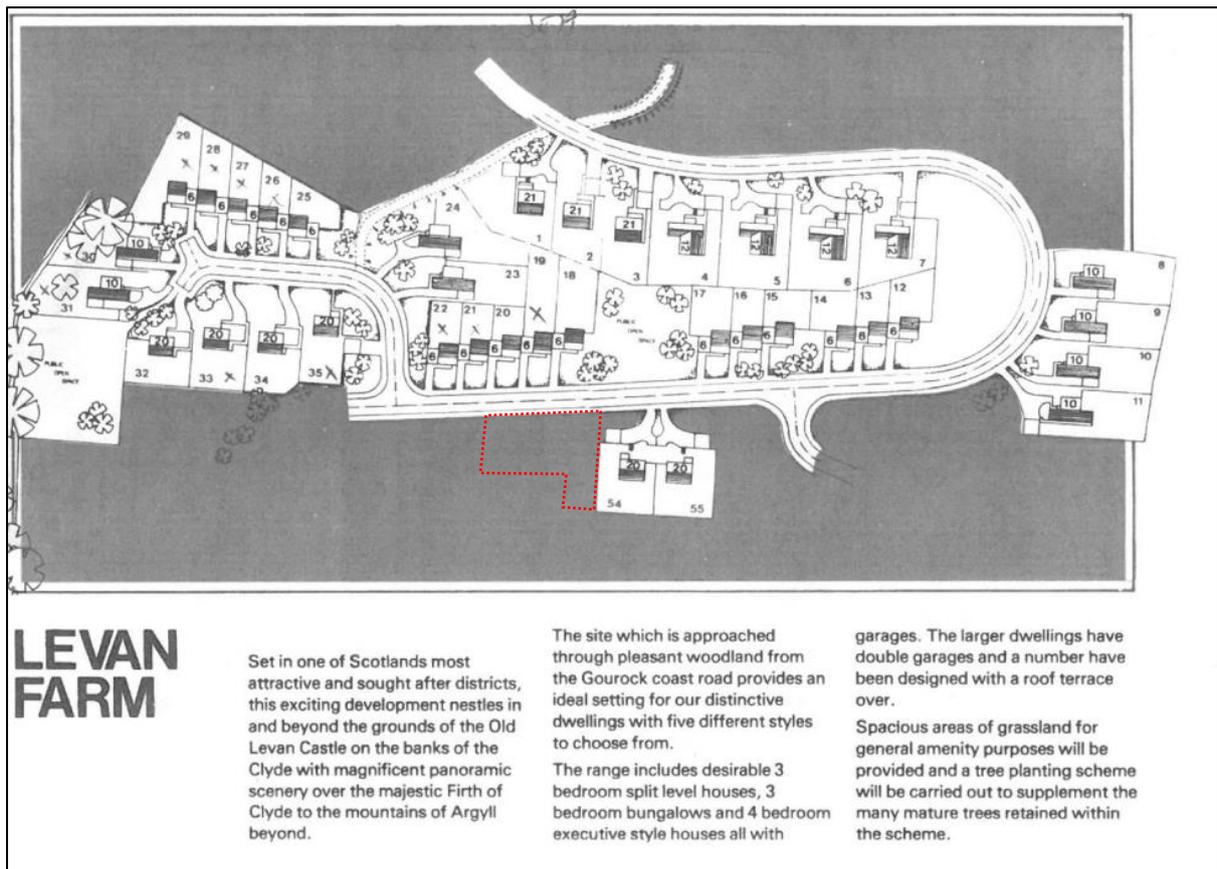


Figure 3. Henry Booth marketing literature from a local resident's representation to the Council on 19th October 2017

It should be noted this plan was in likelihood prepared before Henry Boot finalised its planning application (Ref. IC/77/115) as marketing literature to promote an initial selection of homes before the rest were advertised.

Notwithstanding, this further supports to illustrate our Mr Donaldson's site is excluded from the Levan Farm planning application which was in part the basis of the refusal to grant Planning Permission and that from a practical perspective due to the sloped site geometry, could never be viewed as recreation or public space.

4. Open Space

4.1 Planning Decision

The main planning challenge our Client had faced for granting a favourable consideration during Pre-Planning, had been the labelling of "Open Space" toward this site. This view has continued through to the recent Refusal.

Within the Decision Notice for Refusal of Planning Permission all three points refer to the "loss of open space" as the deciding factor:

1. The proposed development results 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 surrounding residential area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policies 20 and 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development.
2. The proposed development results 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 surrounding residential area and therefore cannot be the right development in the right place as required by Scottish Planning Policy 2014.
3. The proposed development results in the loss of open space which contributes to the amenity, character, appearance, and distinctive urban form of the sur-

rounding residential area. The loss of this open space therefore cannot be considered meet the quality being "Distinctive" under Policy 1 of both the adopted and proposed Local Development Plans.

4.2 Local Review Board Precedent

This same "open space" challenge was also encountered when the Applicant of land between 34 and 36 Dunvegan Avenue (Ref. 17/0134/IC) was refused planning permission on the matter of "Open Space" and appealed to the Local Review Board. The Applicant was granted permission subject to conditions on 22nd February 2018 which establishes a strong precedent evident in the locale.

In contrast to that planning application, our Client has the benefit of owning a site that was never designated as "Public Open Space" on any historic records we have available nor formed part of a historic planning permission for the original development (Ref. IC/77/115) as we have demonstrated.

4.3 Legal Definition

When our Client received the Refusal of Planning Permission Decision Notice on 25th October 2022, reference is made to the Town and Country Planning (Scotland) Act 1997 which is key planning legislation.

Local Development Plans are produced pursuant to such planning legislation, where the interpretation and the definitions with Town and Country Planning (Scotland) Act 1997 are applied for a consistent understanding.

The Town and Country Planning (Scotland) Act 1997: Part XIV Miscellaneous and General Provisions: Miscellaneous and General Provisions" Section 277 "Interpretation" describes open space as.

"'Open space' means any land laid out as a public garden, or used for purposes of public recreation, or land which is disused burial ground."

Whilst the Report of Handling articulates our Client's past representations on this matter, we would affirm that assigning that definition to this site is incorrect as:

1. It has never been held in public ownership which does not satisfy the requirement for a "public garden" or "public recreation;" and
2. It is not a disused burial ground.

On this position alone, it would not be lawful to refuse planning permission on the basis the site is "open space" and therefore all three points of refusal should be overturned.

archiSTarchi Ltd

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We note the Report of Handling expands the definition of “open spaces” to “*smaller areas of open space that are commonly found in residential areas and business areas*” which is not correct and is made without consideration toward the legal definition.

The Report of Handling continues to state “*Ownership of the site does not change its status in planning policy terms*” where in fact under planning legislation the ownership is fundamental as we have outlined.

There is further reference to a Reporter who was appointed to consider a historic appeal against the refusal of planning permission for the erection of a house on an area of open space. This holds no merit in the wake of the modern day media where access to medial channels (e.g. blogs, social media) and can be influenced, and should not set the precedent that any reporter is the authority on planning decisions made by the Council, planning legislation or legal definitions.

At no time since 1977, has the site been laid out as an area of open space for the public nor as a children's play area despite continued reference to same by Inverclyde Council Planning Department when refusing planning. Our Client's site given the topography is certainly not a site for safe play.

We would respectfully confirm the Local Authority of the time never completed on the purchase to take the Site into public ownership, and it is frankly debatable whether our Client's site was ever considered for purchase due to the lack of reference in historic development plans compared to other locations.

Moreover, had the intention been an a “open space” for the existing residents our Client's site would have been shared under legal title between the neighbouring residences as common ground which is not the case.

The site has always been in private ownership and did not form part of the original development, with the public having no legal rights to enter the land and as such is unenforceable.

A key item of note being there are various ‘open space’ areas maintained by Inverclyde Council throughout Dunvegan Avenue and the wider Levan Farm residential housing development. There is an abundance of wooded areas and pockets of land which have more than sufficient capacity for public recreational purposes which have also been protected by Tree Preservation Orders and other environmental measures for the benefit of residents.

All dwellings on the estate have private garden amenity space, coupled with those other public open spaces there is more than an abundance of open space within the locale.

We have regularly advised during both the pre-application process and subsequent formal application our Client's site is and always has been in private ownership.

5. Adopted Development Plan – Policy 1

5.1 Policy 1 - Creating Successful Places

Statements that the proposal does not meet the quality on Policy 1 is made in the Decision Notice:

“The loss of this open space therefore cannot be considered meet the quality being “Distinctive” under Policy 1 of both the adopted and proposed Local Development Plans.”

This confusingly conflicts with statements made in the Reporting of Handling regarding our Client's site on Policy 1:

“Policy 1 of both the adopted and proposed Local Development Plans require all development to have regard to the six qualities of successful places. The relevant factors in this instance are being “Distinctive” in reflecting local architecture.”

“The surrounding area is residential in character in which there are a variety of house types and styles. The proposal is not considered to be out of this general context.”

We believe there is a disconnect between the statements made in the Decision Notice compared to the Report of Handling which confirms the proposal adopts the local architecture of *“facing bricks, render and roof tiles are used on houses in the surrounding area”* and that it is not out of context compared to the existing residential area.

Therefore, the view taken within the Decision Notice that the proposal does not meet the quality of Policy 1 should be overturned, as the Report of Handling confirms it does reflect local architecture and therefore “Distinctive” under the adopted Development Plan.

6. Proposed Development Plan – Policy 20 & 36

6.1 Validity of proposed Development Plan

On Point 1 within the Decision Notice for Refusal of Planning Permission, it states that our Client's proposal is contrary to Policy 20 & 36 of the proposed Development Plan.

When consulting the Inverclyde Local Development Plan Review (Proposed Plan - 2021) through Inverclyde Council's website ([Local Development Plan Review \(Proposed Plan - 2021\) - Inverclyde Council](#)) it is understood that whilst it was published on 17th May 2021 and that the consultation period ran until 09th July 2021, the representations received are still being considered.

This proposed Development Plan is not yet adopted by Inverclyde Council as there is a subsequent process requiring Scottish Minister involvement.

We do not view that refusal based on compliance with Policy 20 & 36 of the proposed Development Plan can be lawfully used and refusal on this basis should be overturned.

Notwithstanding, we consulted the proposed Development Plan as part of our design process leading to Pre-Planning and Full Planning Applications, and our Client has asked us to re-assure the reader the proposal meets these requirements aswell.

6.2 Policy 20 – Residential Areas

Policy 20 covers the impact on the amenity, character, and appearance of the area.

The key concerns identified within this policy, are to ensure areas remain attractive places to live, and that the Inverclyde Council will support new houses in existing areas where the impact on existing houses is acceptable and the design and layout are in keeping with their surroundings.

The final sentence within this extract establishes that the proposal aligns with the requirements of Policy 20, therefore it is unclear why this has been used as a basis for Refusal of Planning Permission:

“. this site is in a sustainable location and therefore the proposal accords in general terms with the Spatial Development Strategy. Policy 20 requires development within residential areas to be assessed about impact on the amenity, character, and

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appearance of the area. The surrounding area is residential in character in which there are a variety of house types and styles. The proposal is not considered to be out of this general context.

6.3 Policy 36 – Safeguarding Green Infrastructure

Policy 36 forms part of Section 11 “Our Natural and Open Spaces” that covers a range of topics to support “green infrastructure” throughout Inverclyde.

A key statement within this policy is made on development:

“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.”

Within the Report of Handling (Ref. 22/0169/IC) dated 13th October 2022, it confirms on the matter of Policy 36:

“Both Policies 35 and 36 relate to a range of open spaces including for example formal parks, more local parks, playing field, etc as well as smaller areas of open space that are commonly found in residential areas and business areas.”

Our Client has made representation both within the Pre-Planning Statement and Planning Statement, that the term “open spaces” has a strict meaning under the Town and Country Planning (Scotland) Act 1997 and cannot apply to this site as it has never been arranged as such nor been in public ownership.

To address the underlying principle of this policy, our proposal enhances the area through the introduction of SUDs, planting of diverse types of trees, shrubbery and planting which would improve the biodiversity and geodiversity beyond its’ past condition.

It should also be noted that the Inverclyde Council had introduced a detailed environmental constraints map in January 2018 following an in-house review that identified Sites of Special Scientific Interest (SSSI) and Local Nature Conservation Sites (LNCS) of which our Client’s site is neither.

The Report of Handling also confirms that *“..the proposal does not represent overdevelopment.”* as the proposed house footprint only *“..occupies approximately 9% of the total site area.”* which was a deliberate choice by our Client during the design development of this proposal.

We shall now confirm the Design Proposal to better put the planning permission into context for the reader.

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7. Consultation Feedback

The Report of Handling details a list of Consultations from other departments within Inverclyde Council, however we would like to address the concerns of the Head of Public Protection and Covid Recovery relating to Japanese Knotweed for the avoidance of doubt.

The Council's environment department raised concern to our Client on 08th July 2022 over the presence of Japanese knotweed following a site visit.

Our Client provided the planning officer (S. McDaid) with a specialist survey of the area on 15th July 2022, some 3 months' before the Report of Handling was prepared which confirms there is no presence of this invasion species within the site boundary.

This report which is should have been acknowledge within the Report of Handling and passed through to the Council's environment department at the time by the Planning Officer.

On further investigation by our Client, the gap site which had been retained by Henry Boot Construction (HB 1995 Limited) after other plots were historically sold off then came under the ownership of Redrow Homes.

Notwithstanding, our Client has been in contact with the Director (T. Cope) of Redrow Homes - as recently as 24th October before the Refusal of Planning Permission - who is looking into the matter separately and would introduce preventative measures where applicable for the benefit of the wider community.

It is wholly inappropriate and damaging to our Client to include reference to Japanese knotweed within that Report of Handling or potential Planning conditions where it does not exist on site.

8. Design Proposal

8.1 Design Overview

In terms of the design proposal, we believe there is a misunderstanding in respect of the virtues of our site-specific and indeed Client-led design.

We believe the existing Henry Boot is a typical standard house developer led development of its' time which takes no account of its surrounding context and is certainly unfortunate urban design practice of the era.

We would not envisage any modern housing proposal to be led by such a development. The materials to be used in our proposals are of a high specification driven by the ambition and the requirements of our Client and his family yet traditional in nature through using natural materials where practical.

The quality of the material choices reflects that of the bespoke nature of the development, although has some sensitivity to the local architecture in the area.

Our design takes cognisance of the physical restrictions of the sloping site the public rooms therefore exploit panoramic views across the water, to the hills beyond and private landscaped garden views while bedroom and bathroom accommodation form ancillary spaces.

8.2 Neighbour Consideration

The proposed house is sited to take cognisance of the surrounding houses particularly No 7 Culzean Avenue behind with its rear garden space backing onto our Client's site, as it's front door (Figure 4) to the opposite side as shown on the image below. The siting of our clients proposed dwelling ensures there is next to no loss of view or amenity for No.7 Culzean Drive given a lack of rear windows to the elevation facing our Client's proposed home.

During a site walkthrough, we noted the nearest house at No.7 Culzean Drive, as having the same arrangement of the garden & driveway facing the gable end to what is proposed for the plot with the front door facing toward the Levan Farm hills South-East.



Figure 4. Microsoft Bing Street View of No. 7 Culzean Drive showing door entrance

8.3 Design Ethos

Now it is important to again highlight our design ethos noted in our planning statement which embraces sustainable design solutions, circular economy principles and designing for deconstruction, all factors being driven by the Scottish Government as essential key factors in our drive to Net Zero. Our Planning Statement advises the following:

“A vitally important part of this formal Planning proposal deals with a major factor we all face in the construction sector today, addressing climate change. The Scottish Governments well documented targets of buildings reaching Net Zero Carbon by 2050 lead us to our evolving practice ethos and approach to the design and construction of sustainable and circular buildings generally which forms a fundamental part of this proposal and the design of the family home moving forward.

As the population grows and therefore demand for consumer products increases the demand for natural resources to facilitate these products also increases. Extraction of these raw material resources increases pressure on the environment with more energy, water, and mineral usage to access these materials. The construction industry has worked to what is known as a linear economy where raw materials are taken from the

earth, manufactured into products which are then discarded, often well before the end of their working life. Some materials can of course be recycled however materials such as copper and aluminium are therefore a lost resource.

If we continue to build and construct as per Linear Economy principles we will lose these essential raw materials, cause further damage to the planet and absolutely will fail to meet the Scottish Government Carbon Emissions Targets therefore there must be a fundamental change on how the construction industry approaches the design, construction and indeed re-use of buildings.

The Green Building Council has reported to meet Net Zero Carbon Emission Targets buildings will have to use materials within the existing construction infrastructure and buildings. To achieve this, we must be producing buildings now which in the future can be deconstructed and materials recovered and reused/repurposed at the end of their designated life. This process is called Circular Economy and is something we are embracing as an Architectural Practice now for the benefit of future generations.

With the above in mind and our office ethos of embracing Circular Economy principles means the design of the house will follow a completely different approach to a normal process where we will consider and address the carbon emissions that arise from the sourcing, processing, transportation, manufacture, construction and deconstruction of the materials proposed within the building. The products and built assets we use to create, use, maintain and remodel the building in future times will be and have been a fundamental consideration from the start of our conversations with Mr Donaldson.

The method of construction, building location and orientation, the material choices made, life span, adaptability and reusability have a big impact on a building's carbon emissions. We will be looking at offsite construction with well-considered designs which will have a positive impact on physical activity levels of people increase the quality of life and of course aid mental and physical health and wellbeing. Embracing circular design principles helps achieve these principles and more.

The proposals will be for a home that can be constructed offsite and is flexible in its design, a building which incorporates adaptable spaces with higher accessibility standards allowing the house to evolve with the family in the future, with minimal adaption. Over time as the family grows the house can adapt to varying needs and requirements. Better flexibility adds value and will result in prolonging the life of the buildings in line with Scottish Government's circular economy goals.

Material choice is also important with natural materials and light a feature of the design ethos thus creating healthy buildings for our client and others of courses. A well thought out design helps to reduce carbon impact, reduce pollution and the reuse

and recycling of local materials will aid material supply and reduce the lifetime costs of the building.

The Architectural shape and form of the house takes reference from those surrounding homes of simple shape and form although it is key to note these homes were designed and constructed in a different era and indeed to standards which are not appropriate and would not meet today's standards. The project therefore is for the provision of a modern house taking precedent from local shapes and forms, buildings which are simple in shape, with pitched roofs and buildings which settle into the landscape however a project that also meets modern housing needs and standards not only now but, in the future, too.

The house is situated to take advantage of the sun path throughout the day. In terms of its amenity impact the aim is for a carefully designed building rooted in the local landscape, which can be deconstructed and reused at the end of its intended design life are ambitions for this project.

Our aim is to respect, protect and enhance natural, built and resources within the local area whilst siting a house which we hope will be seen as having a positive impact not only for our client but the local area too.

The proposal is therefore for a two storey home sited to the Southern end of the site and nestled into the landscape with a frontage onto Dunvegan Avenue. The house has been sited to take advantage of the views across the water but also key is its siting in consideration to the surrounding properties in particular No.7 Culzean Drive behind where the intention is to ensure existing views are maintained and indeed privacy for both properties therefore the proposed rear elevation to the house is single storey and the house set low in the landscape. Also, consideration in terms of any effect the house will have on No.7 which is sited to ensure in terms of foundations the house will be sited well within the 45-degree zone of influence for the design of foundations so as not to affect the property behind.

Materials proposed for the house align to those within the local area with brick and render and grey roofs over therefore grey brick with white render form the main material pallet with grey roofs, facias, soffits, and rainwater goods in black along with black window and door frames with the aim of providing a modern twist to the property.

As prior mentioned sustainability is key and crucial therefore along with designing for deconstruction and off-site construction being explored renewable technologies will be explored such as solar PV and water heaters, MHVR or Air Source Heating. In terms of drainage SUDS and permeable materials for hard landscaping will be introduced along the site edge with grey water recycling solutions for rainwater."

We firmly believe our Planning statement details a modern, well thought out and designed proposal, which will enhance the local area and we would hope to offer a better reference point for modern housing.

The existing buildings across the road are notably different from those found along Dunvegan Avenue which in the main, are larger detached homes.

That said, the overall area has a unique character with the overall area surrounding the Levan Castle and the build type is not uniform within the area which we would hope allows some flexibility with our proposals as confirmed in the Report of Handling:

“the build form in the vicinity of the application site comprises a variety of house designs..”

The proposed block is sited to reflect how the adjacent plots behind are sited taking reference from No.33 and No.35 in terms of scale, proportion, and siting. The house is sited at levels affording slightly lower roof heights considering site levels.

The proposal aims to maintain the street frontage building line aligning with similar distance from the pavement as the existing garages to 33 & 35 Dunvegan Avenue and striking a balance between hard and soft landscaping along the frontage that characterises Dunvegan Avenue, this view is confirmed in the Report of Handling:

“However as indicated above the general pattern of development in the surrounding area varies and there is not considered to be an established front building line at this part of the street.”

Beyond this site at Dunvegan Avenue, the plot siting alters to a selection of rear garden fencing adjacent to the plot for the homes at Culzean Drive. We feel the position will help with the design flow through the development to signify a change in orientation, and at the least would not impact what is already established.

9. Conclusion

In conclusion, at no point since 1977 has the site been formally laid out as an area of "Open Space" "Public Open Space" nor any derivation of this nor as a children's play area. The site has always been an area of vacant land in private ownership with the general public having absolutely no legal rights to enter on to the land for the reasons previously stated within this appeal document.

We are of the opinion that the original Historical assessment of the sites within the local area, in particular the site adjacent across the road which was initially refused under the auspices of 'Public Open Space' and then approved at Local Review Board has set a precedent in the area when some of these spaces are clearly otherwise.

We confirm that the Refusal of Planning Permission for our Client's site is inconsistent with that view and as such ask that you consider our application to appeal the Refusal of Planning Permission on merit of both the points raised and positive aspects of the proposal we have put forward without historical bias.

The area has altered considerably over the past 40 years with additional housing developments approved and erected of considerably higher density, which may not align with the local architecture quite as well compared with our proposal.

The site across the road for two number dwellings is an example of where superior design can have a positive influence and we hope you will find our Client's proposals fall into this category which further enhances the local area and be seen as a positive addition to the locale.

It is important to note that the housing types surrounding and adjacent to the site, forming part of the original development, were profit-led designs and built entirely for profit 40 years ago. The materials, design and context were not considered to any appropriate design led level, it is certainly of its' time, and we know of no Chartered Architect would willingly produce such for a modern site development, therefore we are limited to how closely we could align the proposal to the local architecture.

Our design is well considered and designed, site specific and Client led. We have fully analysed and appraised the immediate site and its wider context to fully comprehend and justify our Client's proposal which has been individually to our Client's ambition of a family home and requirements whilst ensuring it does not have notable impact on any existing houses located nearby.

We would hope given our explanations above you will consider our appeal favourably.

10. Appendices

Appendix 01 - Pre-Application Planning Submission Original and Revised Proposals

Appendix 02 – Formal Planning Application Proposals

Appendix 03 - Henry Boot Development Plan (Ref. BC9410/3)

Appendix 04 - General Register of Sasines Book 5885 Site Plan for SSEN

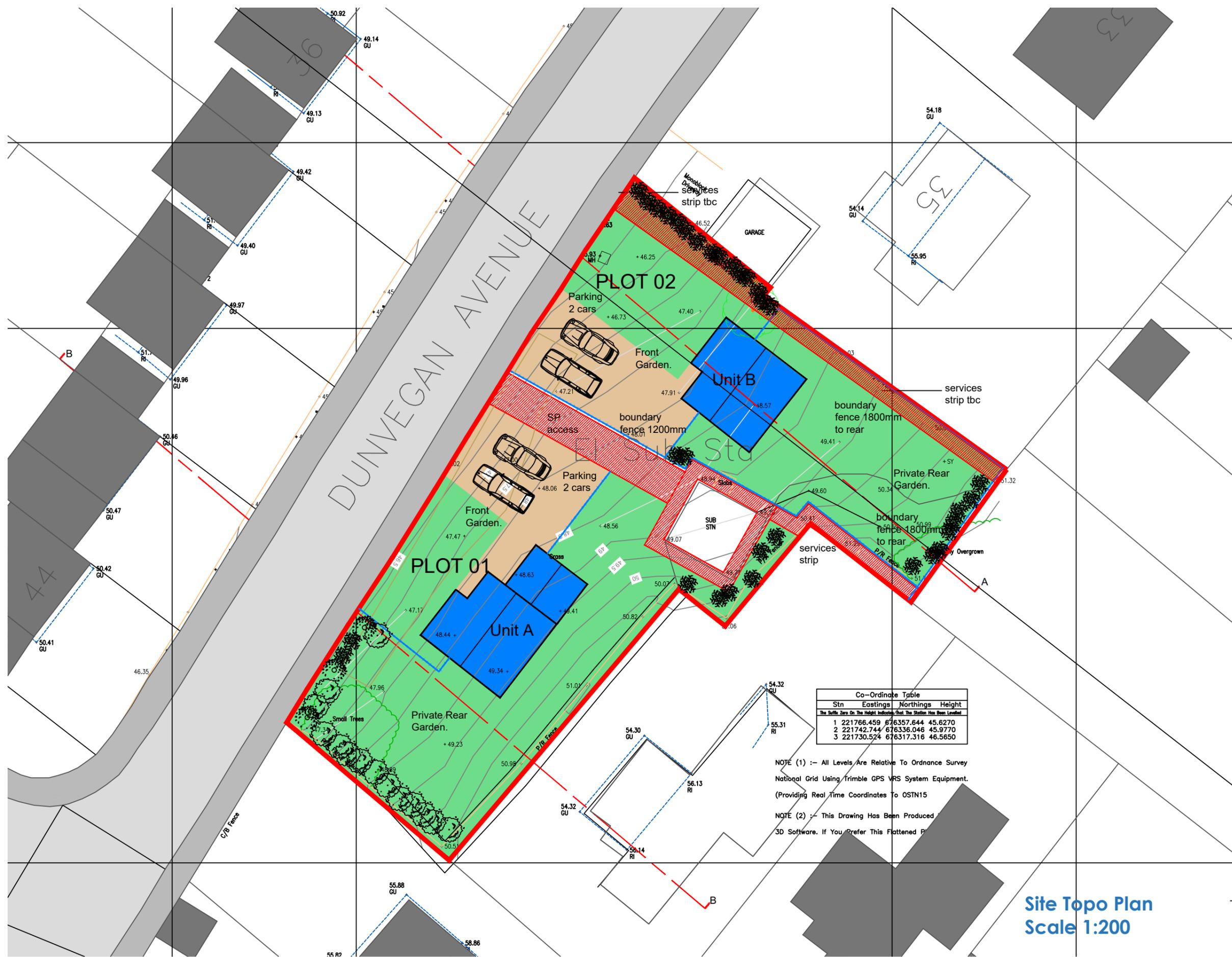
Appendix 05 - Resident's representation on 19th October 2017

Appendix 06 – Town and Country Planning Scotland Act 1997 p184 Part XIV

Appendix 07 – 17/0134/IC Local Review Body Granted Conditionally

Note: Original Topo Prepared By Pinnacle Phoenix Surveys Ltd

This drawing prepared for Pre-Planning Info Only



Legend

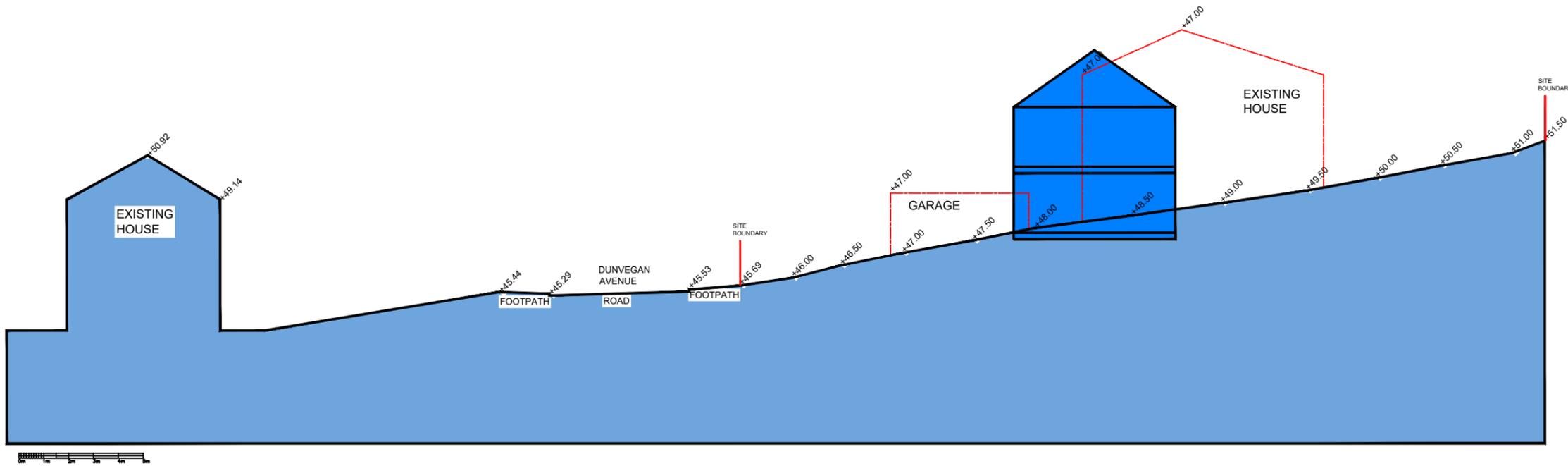
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 - Verge
 - Walls
 - Fences
 - Waterline
 - Banking
 - Open Drain
 - Hedge
 - Foliage Canopy
 - Rootline
 - Steps
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- LP Lamp Post
 - TP Telephone Pole
 - EP Electricity Pole
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 - SV Stop Valve
 - GV Gas Valve
 - RS Road Sign
 - FH Fire Hydrant
 - TL Traffic Light
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 - MK Marker Post
 - ⊕ Control Station
 - VP Vent Pipe
 - DP Down Pipe
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 - DR Drain
 - KO Kerb Offset
 - RP Reflector Post
 - BS Bus Stop
 - + Tel British Telecom
 - + CTV Cable Television
 - + 10.00 BV Bed Level
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Stn	Eastings	Northings	Height
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2	221742.744	676336.048	45.9770
3	221730.524	676317.318	46.5650

NOTE (1) :- All Levels Are Relative To Ordnance Survey National Grid Using Trimble GPS VRS System Equipment. (Providing Real Time Coordinates To OSTN15)

NOTE (2) :- This Drawing Has Been Produced In 3D Software. If You Prefer This Flattened Plan

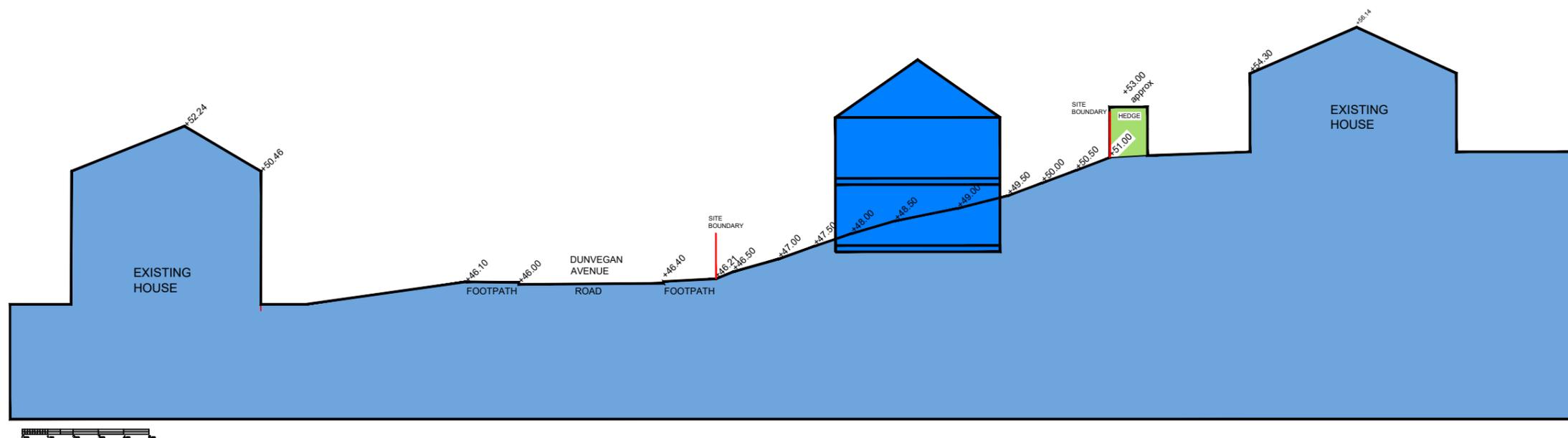
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Scale 1:200



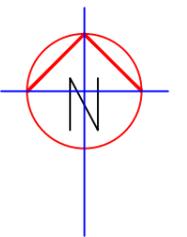
Proposed Site Section A-A

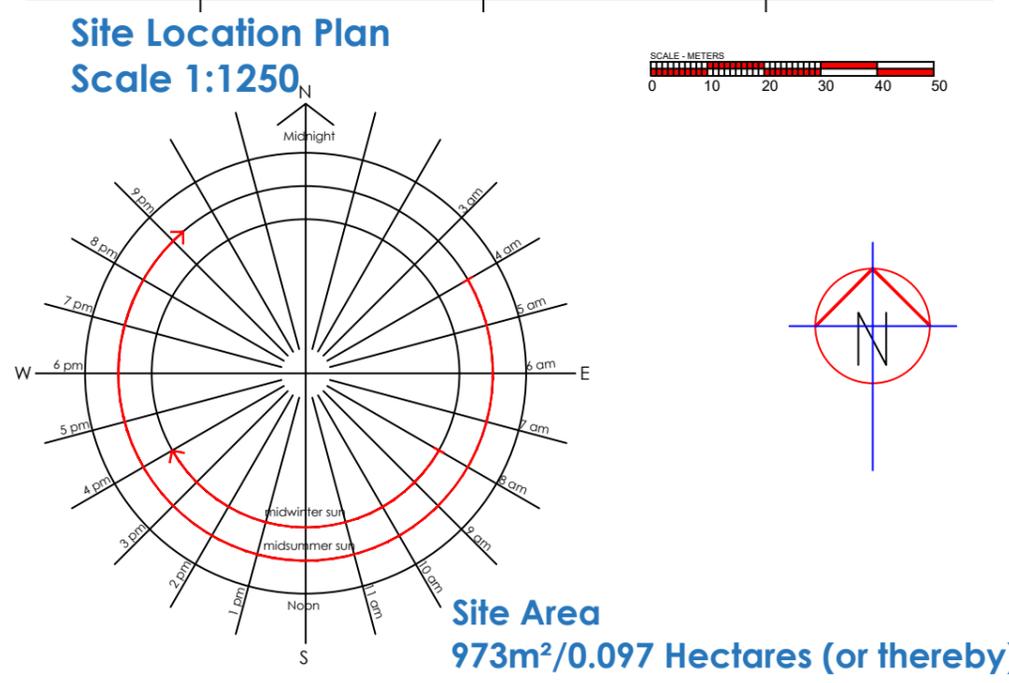
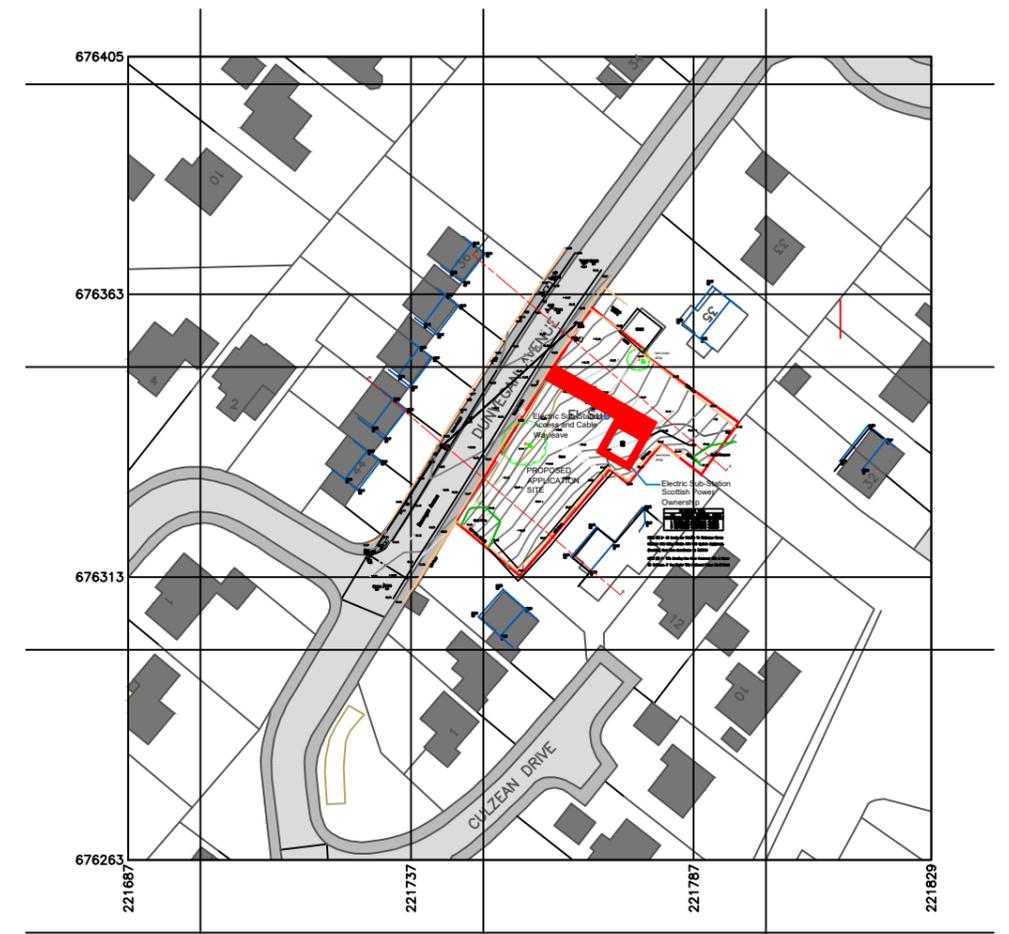
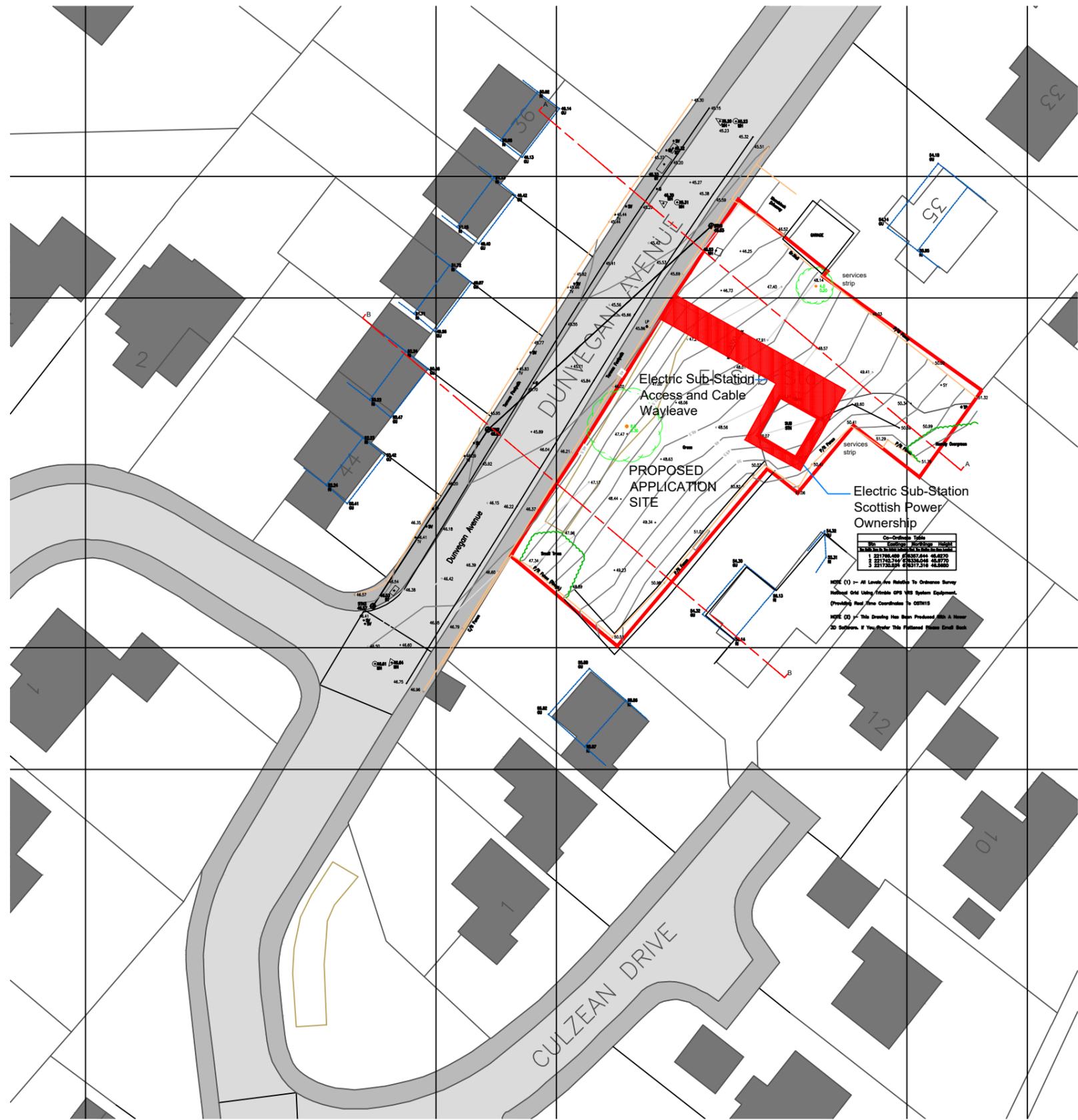


Site Section reference Plan
Scale 1:1250



Proposed Site Section B-B





Produced on 08 February 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
 This map shows the area bounded by 221687 676263,221829 676263,221829 676405,221687 676405,221687 676263
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 Data licence expires 08 February 2023. Unique plan reference: v2c//749952/1014723

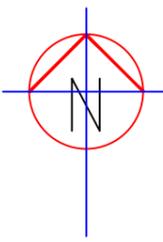
Mr Donaldson - New House at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-90-001-A-Existing Site Location and Block Plans (Topo Overlay)
Scale 1:1250 & 1:500 @A3 June 2022-FORMAL PLANNING

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 SPACES PLACES ARCHITECTURE

Complete Site Area
973m²/0.097 Hectares (or thereby)

Legend

- Road Channels
- Buildings
- Roofline
- Verge
- Walls
- Fences
- Waterline
- Banking
- Open Drain
- Hedge
- Foliage Canopy
- Rootline
- Steps



- LP Lamp Post
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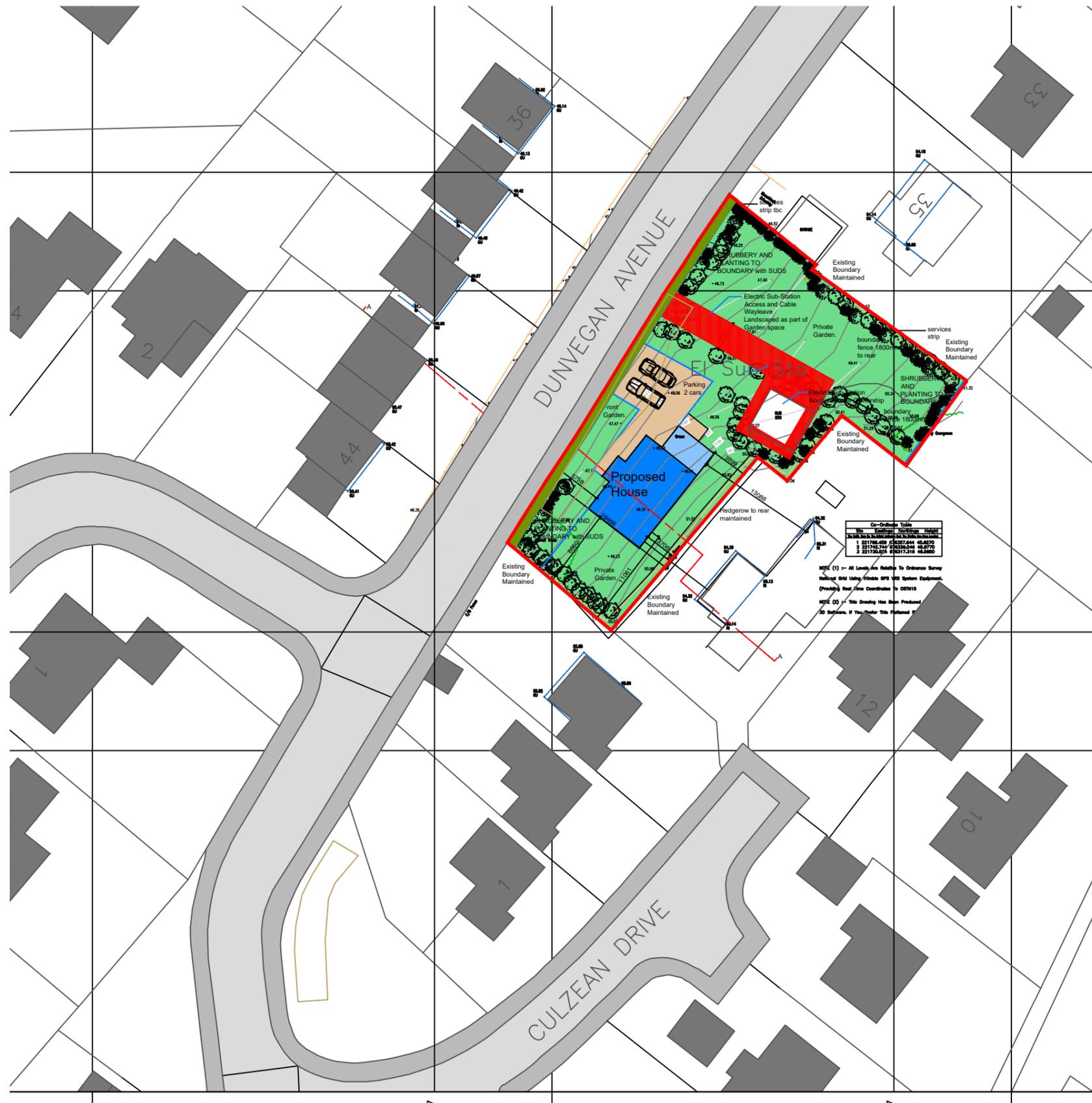
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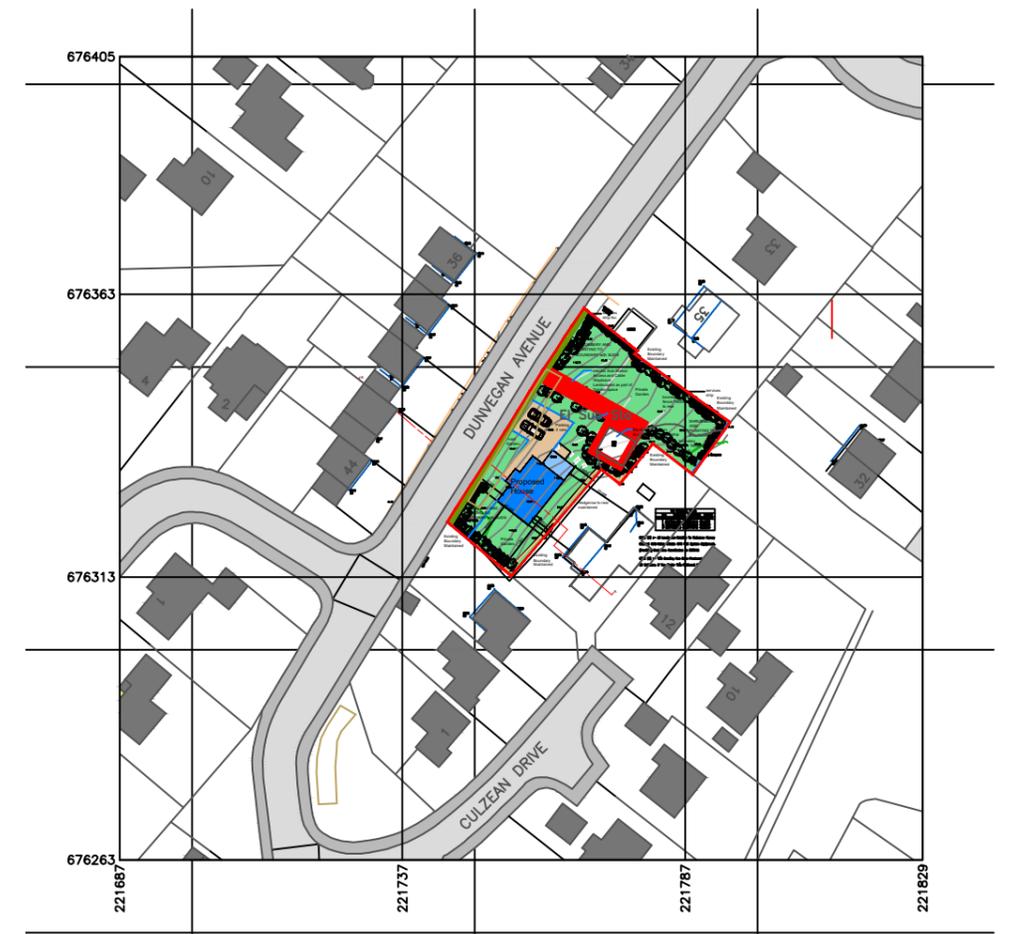
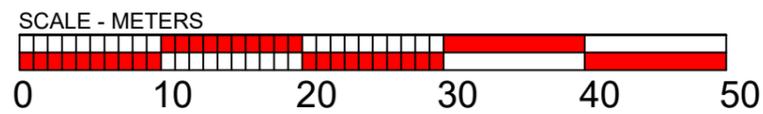
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NOTE (2) :- This Drawing Has Been Produced With A Newer 3D Software. If You Prefer This Flattened Please Email Back

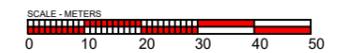
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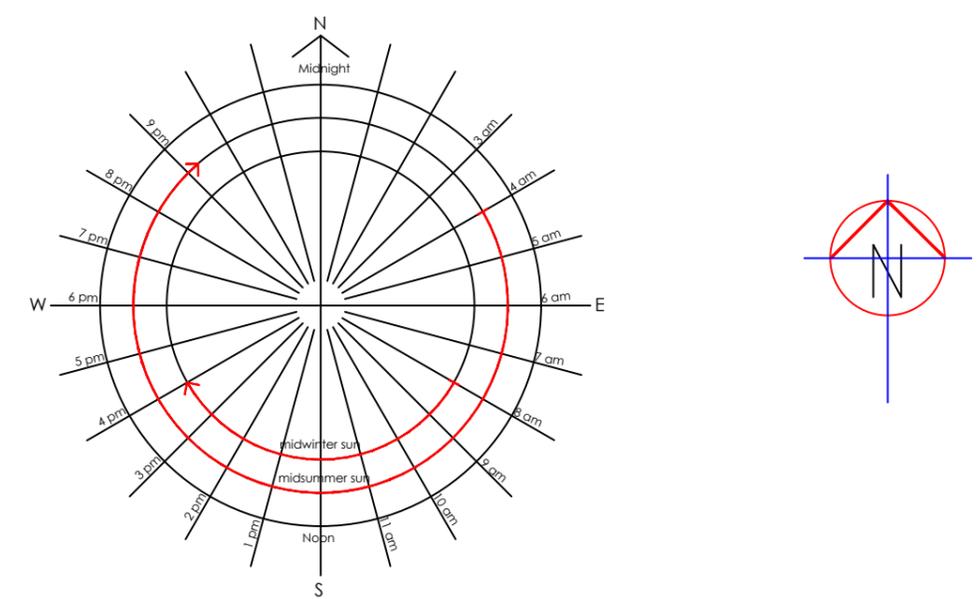
Proposed Site Block Plan
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Proposed Site Location Plan
Scale 1:1250



Site Area
973m²/0.097 Hectares (or thereby)

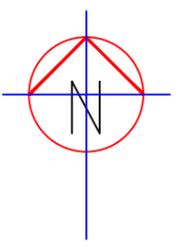


Mr Donaldson - New House at Dunvegan Avenue
Gourock, Inverclyde PA19
P-P-90-100-A-Proposed Site Location and Block Plans (Topo Overlay)
Scale 1:1250 & 1:500 @A3 June 2022-FORMAL PLANNING

Site Area
973m²/0.097 Hectares (or thereby)

Legend

- Road Channels
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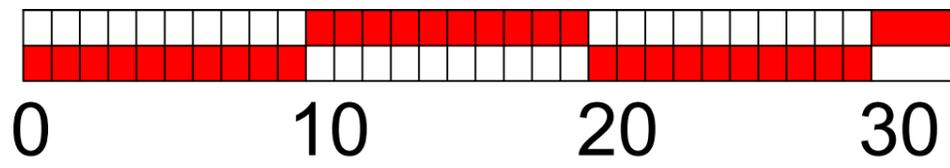


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 - EP Electricity Pole + 10.00 TOT Top Of Tree
 - SY Stay (Pole) + 10.00 GU Gutter
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NOTE (2) :- This Drawing Has Been Produced In 3D Software. If You Prefer This Flattened Plan



Proposed Topo Overlay Plan
Scale 1:250

Note: Original Topo Prepared By Pinnacle Phoenix Surveys Ltd

Total Site Area 973m²/0.097 Hectares

PLOT AREAS
 Area 973m²/0.24 Acres
 Proposed Dwelling Footprint Area 89m²
 Proposed Private Garden Area 684m²



Stn	Eastings	Northings	Height
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3	221730.524	676317.316	46.5650

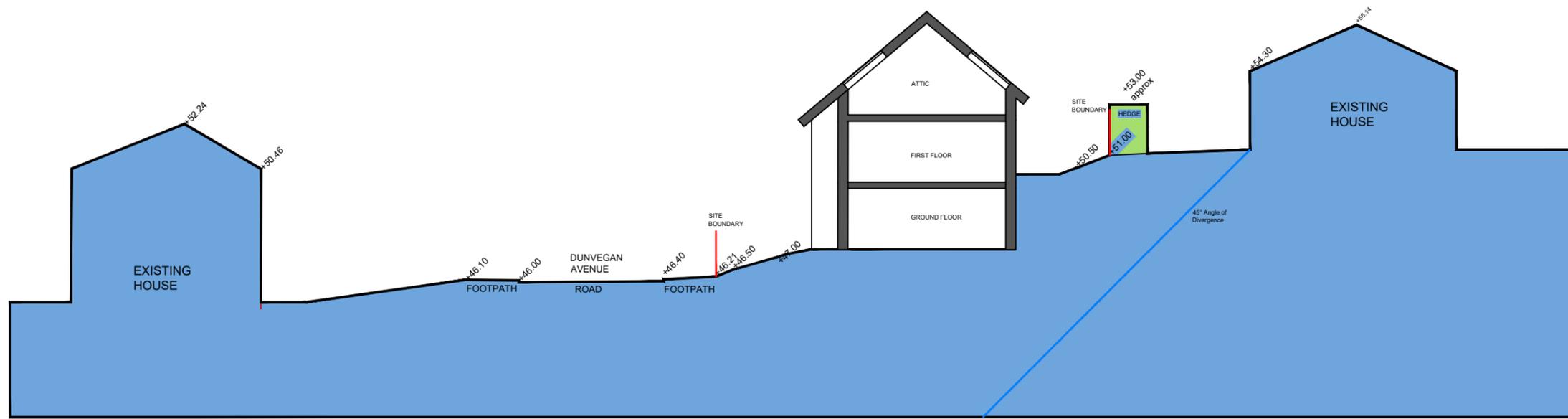
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Proposed Topo Overlay Plan Scale 1:250

Mr Donaldson - New House at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-90-102-A-Proposed Site Plan
 Scale 1:250 @A3 June 2022-FORMAL PLANNING

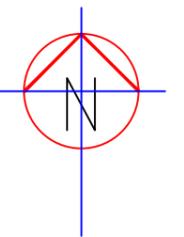
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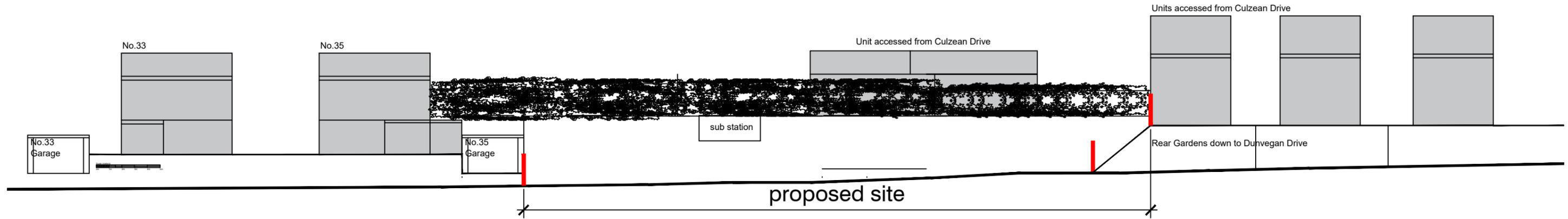


Proposed Site Section A-A

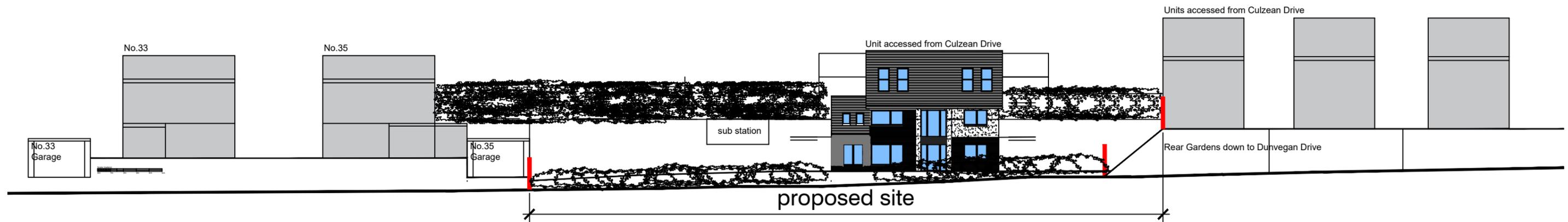


Site Section reference Plan
Scale 1:1250

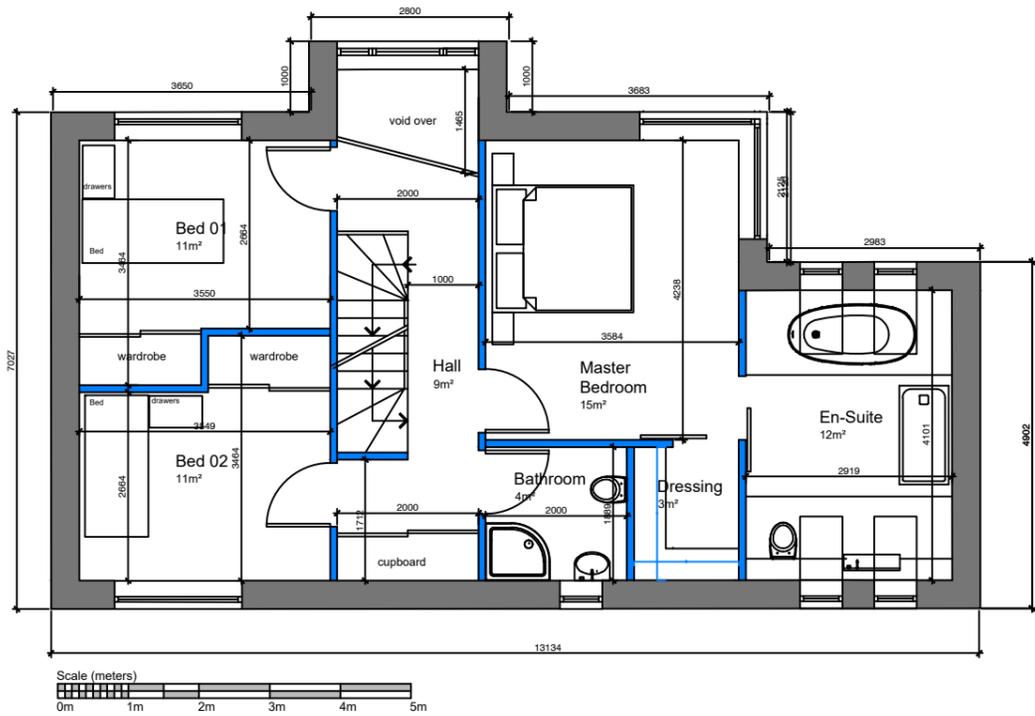




Existing Site Elevation @ Dunvegan Drive



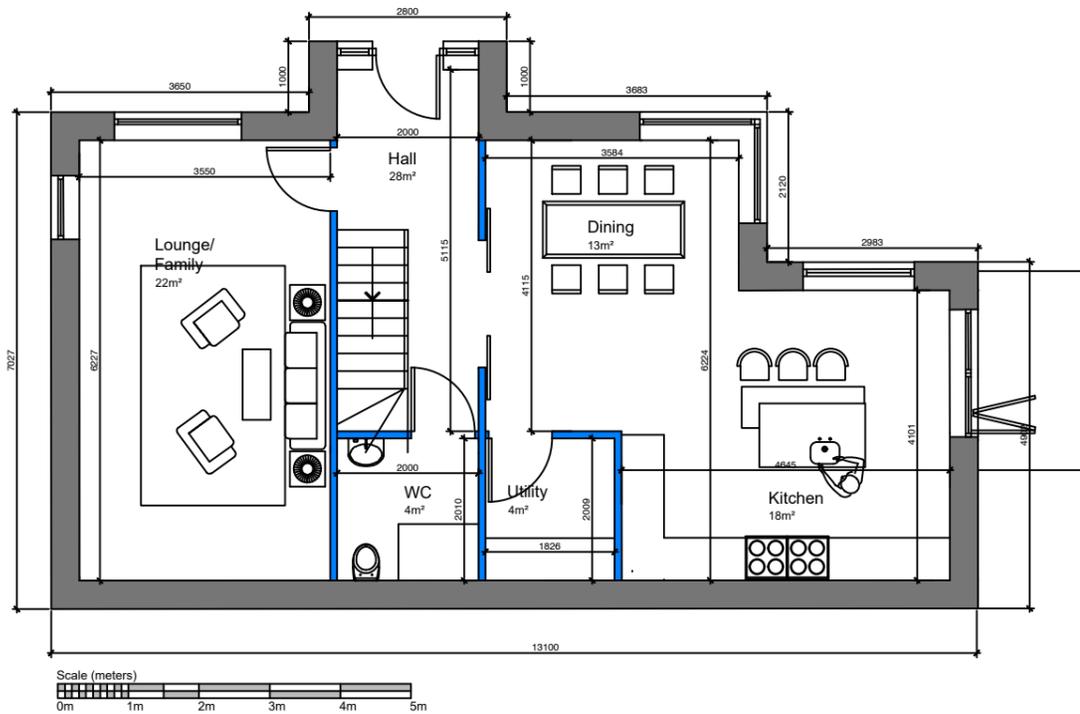
Proposed Site Elevation @ Dunvegan Drive



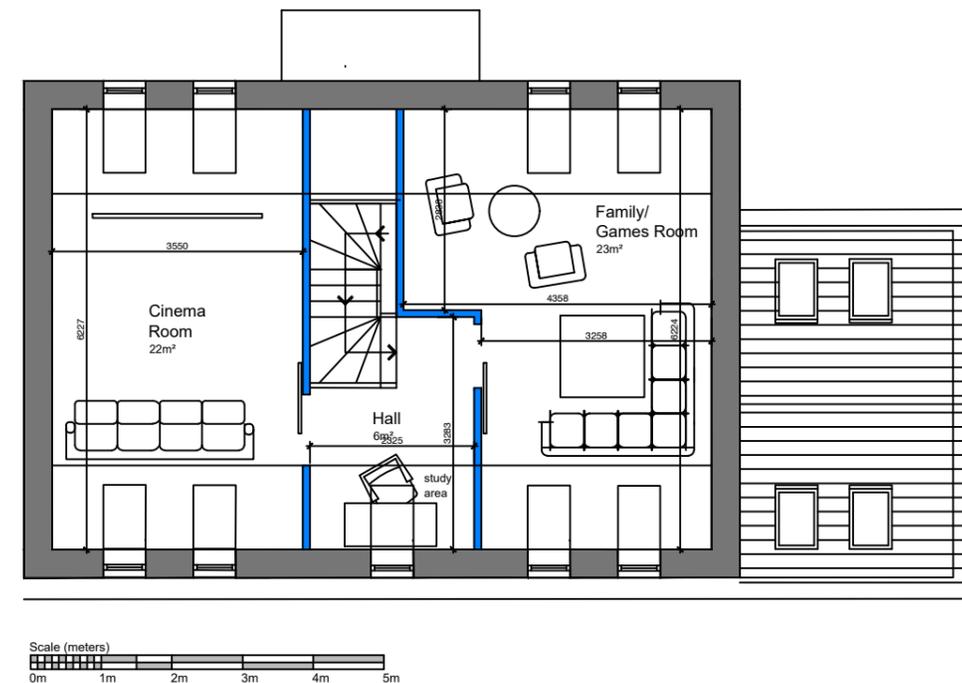
Proposed First Floor Plan



Proposed Roof Plan



Proposed Ground Floor Plan



Proposed Attic Level Plan

Inverclyde Local Review Body

Our Ref: 17/0134/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land between 34 and 36 Dunvegan Avenue, Gourrock
 - Application for Review by Quigley Architects on behalf of Mr S Law against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0134/IC
 - Application Drawings:
 - View looking north from street
 - View looking south east from garden
 - Drawing No. 1620/AL(0)02 – site plan as existing
 - View looking west from street
 - Drawing No. 1620/AL(0)03 – plan as existing
 - View looking south from garden
 - Drawing No. 1620/AL(0)04 – sections as existing
 - View looking north east from street
 - Drawing No.1620/AL(0)05 – elevations as existing
 - View looking north west from street
 - Drawing No.1620/AL(0)06 – site plan as proposed
 - View looking north west from street
 - Drawing No.1620/AL(0)07 – lower ground floor plan as proposed
 - Drawing No.1620/AL(0)08 – ground floor plan as proposed
 - Drawing No.1620/AL(0)09 – first floor and roof plan as proposed
 - 1620 1 photograph
 - Drawing No.1620/AL(0)10 – sections as proposed
 - Drawing No.1620/AL(0)11 – elevations as proposed
 - 1620 2 photograph
 - 1620 3 photograph
 - Drawing No.1620/AL(0)01 – location plan
 - Date of Decision Notice: 22 February 2018
-

Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1.2 The above application for planning permission was considered by the ILRB firstly at a meeting held on 6 December 2017. The ILRB was constituted by Councillors R Moran, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair). At that meeting the Members of the ILRB decided to seek further information from the applicant by means of a written submission to provide all information on Issue 9.5 "Housing Sites Included in the Proposed Plan: Urban Sites: Barr's Brae, Port Glasgow; Dunvegan Avenue, Gourock; fmr Kilmacolm Institute, The Cross, Kilmacolm; and Gillburn Road, Kilmacolm" as set out in the Report to Inverclyde Council: Inverclyde Local Development Plan Examination June 2014, being pages 132 – 138 (both inclusive) of the Report.
- 1.3 The ILRB reconvened on 7 February 2018 to determine the matter. The ILRB on 7 February 2018 was constituted by Councillors J Crowther, G Dorrian, D McKenzie, R Moran, I Nelson (Chair) and L Rebecchi.

2. **Proposal**

- 2.1 The application proposal is for the construction of two detached dwellinghouses on the site, both being 2 storeys in height and mirroring each other in terms of design, presenting as a single storey to Dunvegan Avenue and two storeys to the rear. The street elevations consist of a reconstituted stone finish with ground to eaves fenestration and a main entrance door. The rear elevations are dominated by glazing with limited use of a smooth render finish between glass panels and at the rear corners. The side elevations are dominated by the render finish with limited fenestration. The roof, which slopes downwards on all four sides from the central flat section, will be finished in slates with a small rooflight to the front and a larger rooflight to the rear. The application was refused consent in terms of a decision letter dated 26 June 2017.

3. **Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 28 April 2017 together with plans;
 - (ii) Appointed Officer's Site Photographs together with location plan;
 - (iii) Appointed Officer's Report of Handling dated 22 June 2017;
 - (iv) Planning Application Advice Note No. 3 – Private and Public Open Space Provision in New Residential Development;
 - (v) Applicant's Supporting Statement in relation to planning application
 - (vi) Representations in relation to planning application
 - (vii) Decision Notice dated 26 June 2017 issued by the Head of Regeneration & Planning
 - (viii) Notice of Review form dated 25 September 2017 from Quigley Architects together with Planning Appeal document
 - (ix) Letter dated 11 October 2017 from Quigley Architects in relation to new matters
 - (x) Email dated 17 October 2017 from Legal & Property Services to Quigley Architects in relation to new matters
 - (xi) Further representations submitted following receipt of Notice of Review
 - (xii) Letter dated 2 November 2017 from Quigley Architects in response to further representations
 - (xiii) Suggested conditions should planning permission be granted on review

The ILRB at the meeting held on 6 December 2017 had regard to new matters raised by the applicant's agent and was provided with copies of the following:

- (i) Production 8.43 – Inverclyde Local Review Body Decision Notice dated 12 April 2017; and
- (ii) Production 8.44 – Inverclyde Local Development Plan Examination dated 11 June 2011.

In addition, the ILRB at the meeting held on 7 February 2018 was provided with copy email dated 18 December 2017 from Quigley Architects providing information by means of a written submission requested by the ILRB at its meeting on 6 December 2017.

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. **Reasons**

4.1 The determining issues in this review are (a) the planning history of the site, including (i) the Reporter's conclusions in relation to Dunvegan Avenue, Gourrock set out in the Inverclyde Local Development Plan Examination dated 11 June 2011 which accorded with the planning authority's acknowledgement that the principle of residential development on this vacant site would be acceptable and (ii) the designation of the site within the Local Development Plan as an area of public open space and (b) the number of gap sites within the estate. The ILRB noted that there are six gap sites within the estate, five of which are within the Council's ownership, and considered whether the development of housing on the privately owned site would have a detrimental impact on the estate.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, following a vote determined that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be placed on the planning permission for the reasons specified.

5 **Conditions**

1. That the development to which this permission relates must be begun within three years from the date of this permission.
2. That prior to the commencement of development, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. The approved samples shall thereafter be used unless any alternatives are approved in writing by the Planning Authority.
3. That prior to the commencement of development, full details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The boundary treatments shall be erected in full prior to occupation of the associated dwellinghouse hereby approved.
4. That prior to the commencement of development, full details of all soft and hard landscaping shall be submitted to and approved in writing by the Planning Authority. The approved landscaping shall be carried out in full prior to occupation of the associated dwellinghouse hereby approved.
5. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
6. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.

7. That before the first of the residential units hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.
8. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and amendments to the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of visual amenity.
3. In the interests of the privacy of adjoining residents.
4. In the interests of amenity and to prevent deleterious materials being carried onto the carriageway.
5. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
6. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
7. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
8. To ensure that all contamination issues are recorded and dealt with appropriately.

Signed _____

Head of Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.



Hyndpark Developments Ltd

**Proposed New Houses at
Dunvegan Avenue,
Gourock
Inverclyde
PA19**

**Outline Sketch Proposals
Pre-Planning Issue Only**

Outline Proposal – Pre-Planning

INTRODUCTION

We have been appointed by our client Mr Donaldson to submit for pre-planning consideration a proposal for two new residential properties to a vacant site in the established residential area of Dunvegan Avenue located to the west side of Gourrock. Dunvegan Avenue sits up on the hillside with quite spectacular Northerly views across the water to Dunoon and beyond with a mix of mainly single and two storey detached residential properties constructed from the 1970's onwards generally.

Mr Donaldson who lives locally in Inverclyde with his family has purchased the site with the view to sensitively developing a new home for his family along with a separate detached property offering an additional modern family home within the locale.

OUTLINE PRE-PLANNING PROPOSAL

Our initial site analysis led to us endeavouring to understand the general topography, siting and layout of the existing site and surrounding area. The site slopes upwards from north to south with single storey detached houses sitting high behind and to either side two storey detached properties. Across the road generally two storey detached houses and garages from perhaps 1970's/80's era. Dunvegan Road winds down towards the main Cloch Road running East-West along the waterfront.

In terms of the local Architecture most properties are simple in shape and form with pitched roofs and a materials pallet of brick and render panels traditional to the era of construction.

With the local housing typology of single detached dwellings sites in various block patterns throughout the area, our site analysis process led us on a journey to work through varying block plan options ranging from a single detached large family house, two smaller detached houses and also a third option with three detached units. The single storey option was discarded really due to the scale of the site left over with a three unit option of detached houses being discarded due to oversaturation of the site and scale of smaller house types required for such a proposal.

Our analysis has lead us to the option offered for Pre-Planning consideration being a two detached properties with reference to be made to the accompanying pre-planning drawings PP 0 001 Existing Location and Block Plan and PP 0 100 Proposed Outline Block Plan.

Due to the site constraints, topography etc proposed Unit A is sited east/west along the narrower southern part of the site and Unit B sited North-South along the deeper Northern part of the site. Pedestrian and vehicular access off Dunvegan Avenue aligns with current access egress points throughout the locale. The proposals indicate possible parking areas along with front and rear private garden spaces. Plan layouts which take cognisance of the sunpath but also the spectacular views which will be further developed as we move through the design process.

Outline Proposal – Pre-Planning

Sustainability – Circular Economy and the Scottish Governments Carbon Emissions Targets

A vitally important part of this proposal and we would from part of the Pre-Planning assessment process deals with a major factor we all face in the construction sector today, addressing climate change. The Scottish Governments well documented targets of buildings reaching Net Zero Carbon by 2050 lead us to our evolving practice ethos and approach to the design and construction of buildings generally which forms a fundamental part of this proposal and the design of the family homes moving forward.

As the population grows and therefore demand for consumer products increases the demand for natural resources to facilitate these products also increases. Extraction of these raw material resources increases pressure on the environment with more energy, water and mineral usage in order to access these materials. The construction industry has generally worked to what is known as a linear economy where raw materials are taken from the earth, manufactured into products which are then discarded, often well before the end of their working life. Some materials can of course be recycled however materials such as copper and aluminium are therefore a lost resource.

If we continue to build and construct as per Linear Economy principles we will lose these essential raw materials, cause further damage to the planet and absolutely will fail to meet the Scottish Government Carbon Emissions Targets therefore there must be a fundamental change on how the construction industry approaches the design, construction and indeed re-use of buildings.

The Green Building Council has reported in order to meet Net Zero Carbon Emission Targets buildings will have to utilise materials within the existing construction infrastructure and buildings. In order to achieve this we have to be producing buildings now which in the future can be deconstructed and materials recovered and reused/repurposed at the end of their designated life. This process is called Circular Economy and is something we are embracing as an Architectural Practice now for the benefit of future generations.

With the above in mind and our office ethos of embracing Circular Economy principles means the design of the houses will follow a completely different approach to a normal process where we will consider and address the carbon emissions that arise from the sourcing, processing, transportation, manufacture, construction and deconstruction of the materials proposed within the building. The products and built assets we use to create, use, maintain and remodel the building in future times will be and have been a fundamental consideration from the start of our conversations with Mr Donaldson.

The method of construction, building location and orientation, the material choices made, life span, adaptability and reusability have a big impact on a building's carbon emissions. We will be looking at offsite construction with well considered designs which will have a positive positive impact on physical activity levels of people increase the quality of life and of course aid mental and physical health and wellbeing . Embracing circular design principles helps achieve these principles and more.

The proposals will be for homes which can be constructed offsite and is flexible in its design, a building which incorporates adaptable spaces with higher accessibility standards allowing the house to evolve with the family in the future, with minimal adaption. Over time as the family grows older the house can adapt to varying needs and requirements. Better flexibility adds value and will result in prolonging the life of the buildings in line with Scottish Government's circular economy goals.

Outline Proposal – Pre-Planning

Sustainability – Circular Economy and the Scottish Governments Carbon Emissions Targets

Material choice is also important with natural materials and light a feature of the design ethos thus creating healthy buildings for our client and others of courses. A well thought out design helps to reduce carbon impact, reduce pollution and the reuse and recycling of local materials will aid material supply and reduce the lifetime costs of the building .

The Architecture shape and form of the buildings have still to be fully developed however our aim for the project is for modern houses taking precedent from local shapes and forms, buildings which are simple in shape, with pitched roofs and buildings which settle into the landscape.

The buildings are situated to take advantage of the sun path throughout the day. In terms of its amenity impact carefully designed buildings rooted in the local landscape, which can be deconstructed and reused at the end of its intended design life are ambitions for this project

Our aim is to respect, protect and enhance natural, built and cultural heritage resources within the local area whilst siting homes which we hope will be seen as having a positive impact not only for our client but the local area too.

Conclusion

We would hope with the proposals and design ethos offered for pre-planning consideration the Local Authority will embrace this project with the benefits outlined which will create homes not only for today but also for tomorrow.

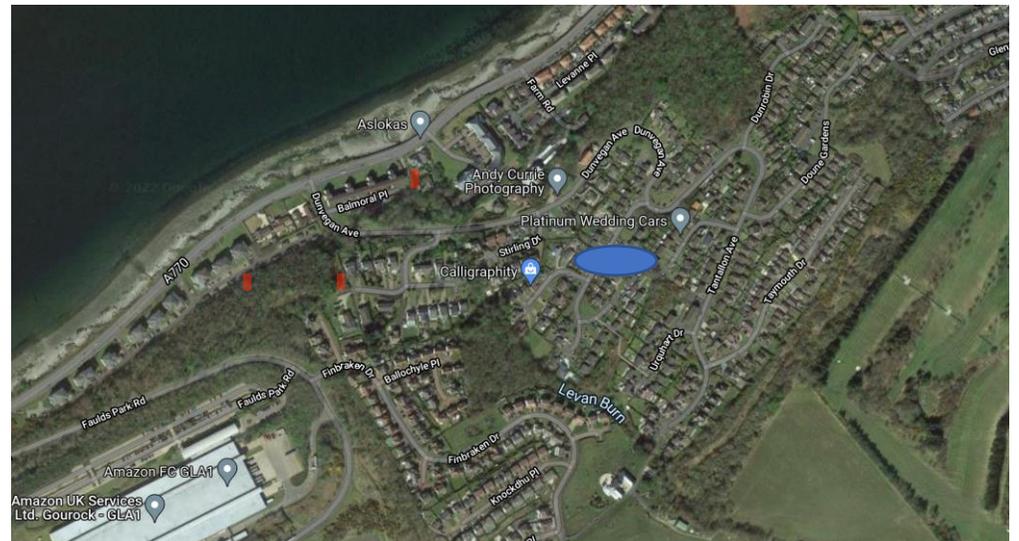
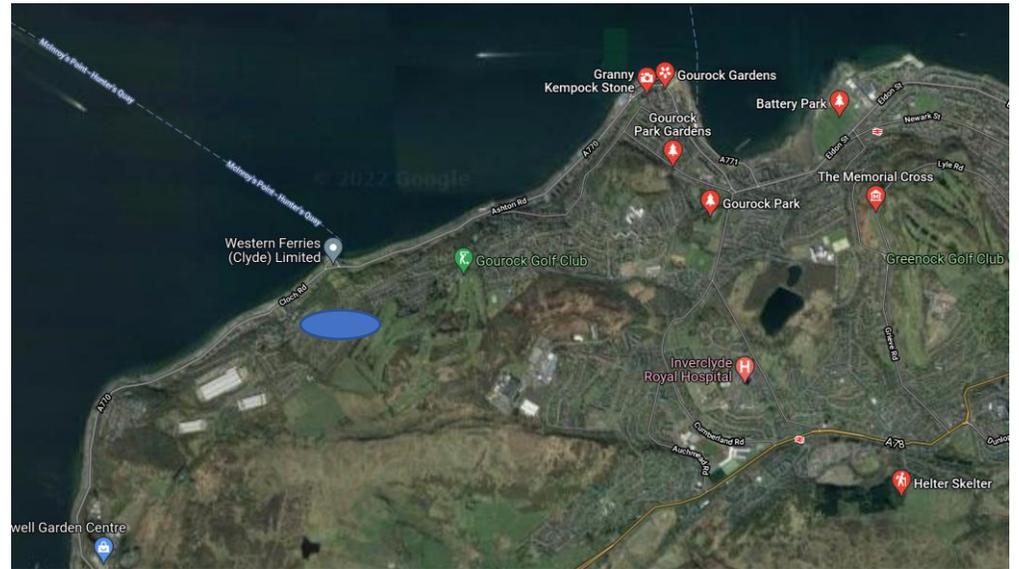
A new buildings which is rooted in traditional vernacular however also embraces new thinking in design and approach, which positively aids the Scottish Governments Climate Emission Targets and Circular Economy principles. Homes which can be deconstructed and materials and resources re-used at the end of their useful life. Buildings which can be adapted and utilise renewable resources such as Solar PV, MVHR and constructed to the highest standards possible.

We hope this a project which will be an exemplar development within the local area and beyond and look forward to engaging with Inverclyde Council Planning Service through this pre application process and beyond.

We welcome further discussion and direction moving forward

Site Location

Dunvegan Avenue is located within an established residential area to the west side of Gourock.



Site Images



South to site as viewed from Dunvegan Avenue.



South to site as viewed from Dunvegan Avenue.



North towards Argyll site as viewed Southern end of the site



North towards Argyll site as viewed Northern end of the site

Pre-Planning Sketch – 2 No Units

Site Area

973m²/0.097 Hectares (or thereby)

Outline Schedule (Draft)

Plot 02 - Unit A

Plot Area = 498 sq m, 5360 Sq ft

4 Bedroom - 2 Storey Detached

Unit B Area = 195 sq m, 2098 Sq ft

Parking Provision = 3 No Spaces

Note: Allowance made for services access to sub-station, extent tbc by Scottish Power

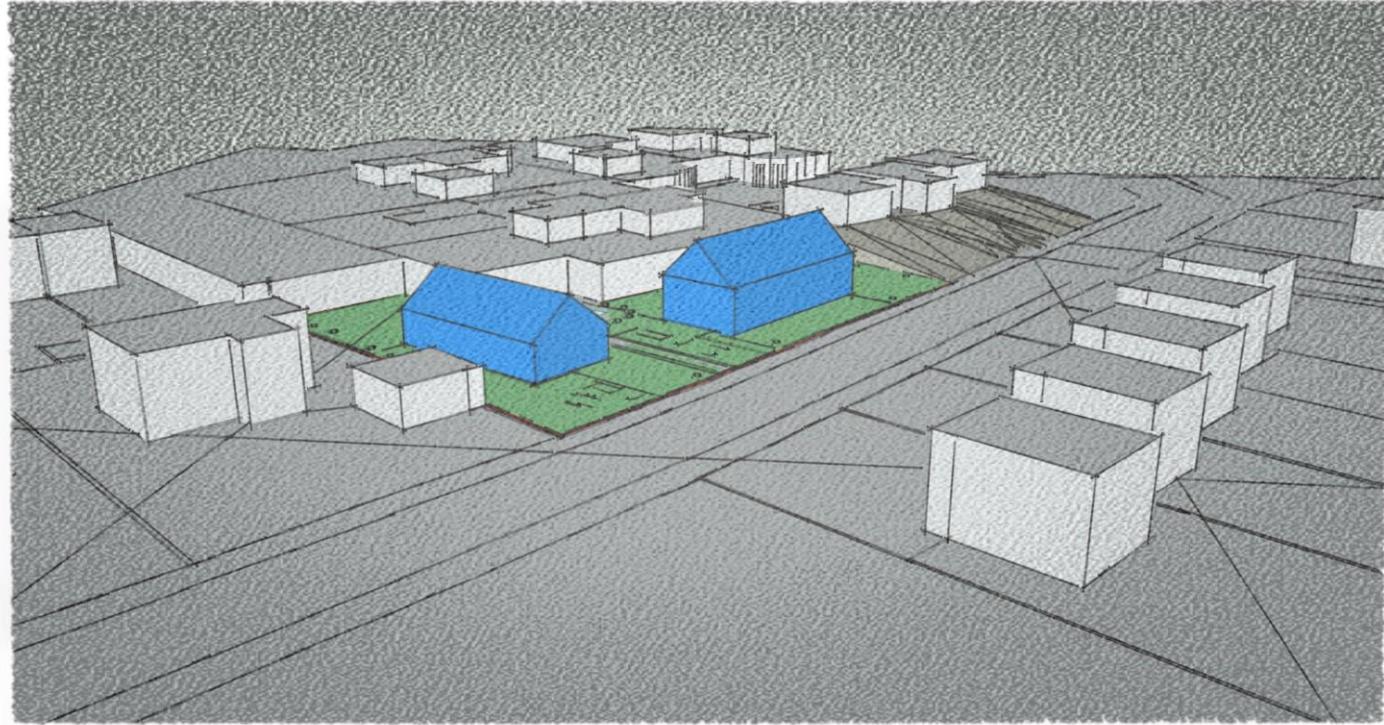
Plot 01 - Unit B

Plot Area = 398 sq m, 4284 Sq ft

3 Bedroom - 2 Storey Detached

Unit A Area = 169 sq m, 1819 Sq ft

Parking Provision = 2 No Spaces





Inspirational Images.....
From render to brick and
timber.....materials to be
further explored.













Site Area
 973m²/0.097 Hectares (or thereby)

Outline Schedule
 (For Pre-Planning Discussion Only)

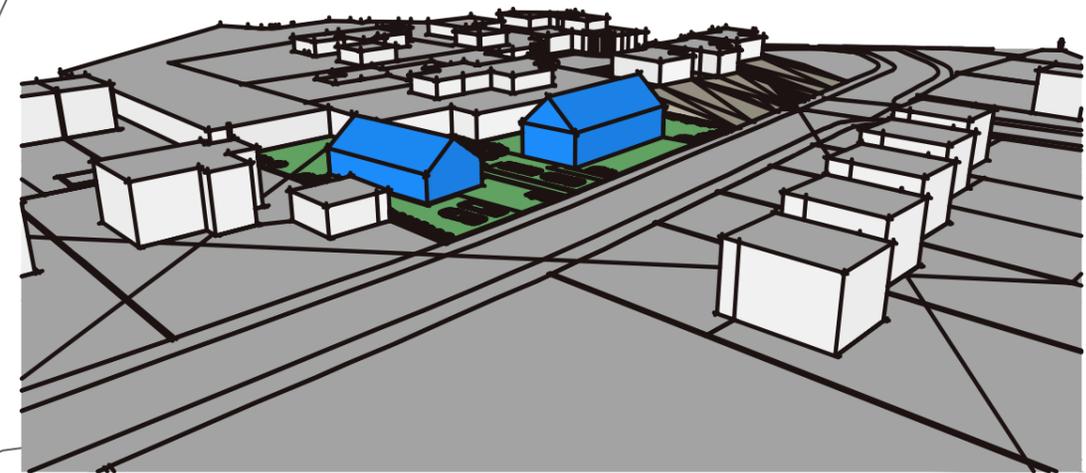
Plot 01 - Unit A
 Plot Area = 498 sq m, 5360 Sq ft

4 Bedroom - 2 Storey Detached
 Unit B Area = 195 sq m, 2098 Sq ft
 Parking Provision = 3 No Spaces

Note: Allowance made for services access to sub-station, extent tbc by Scottish Power

Plot 02 - Unit B
 Plot Area = 398 sq m, 4284 Sq ft

3 Bedroom - 2 Storey Detached
 Unit A Area = 169 sq m, 1819 Sq ft
 Parking Provision = 2 No Spaces

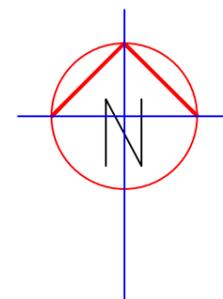
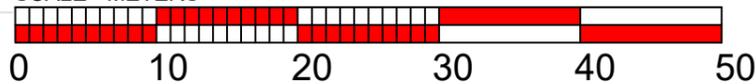


Proposal 2 No Plots

SK 90 Existing Site Block Plan

0001 Sketch Issue Scale 1:500

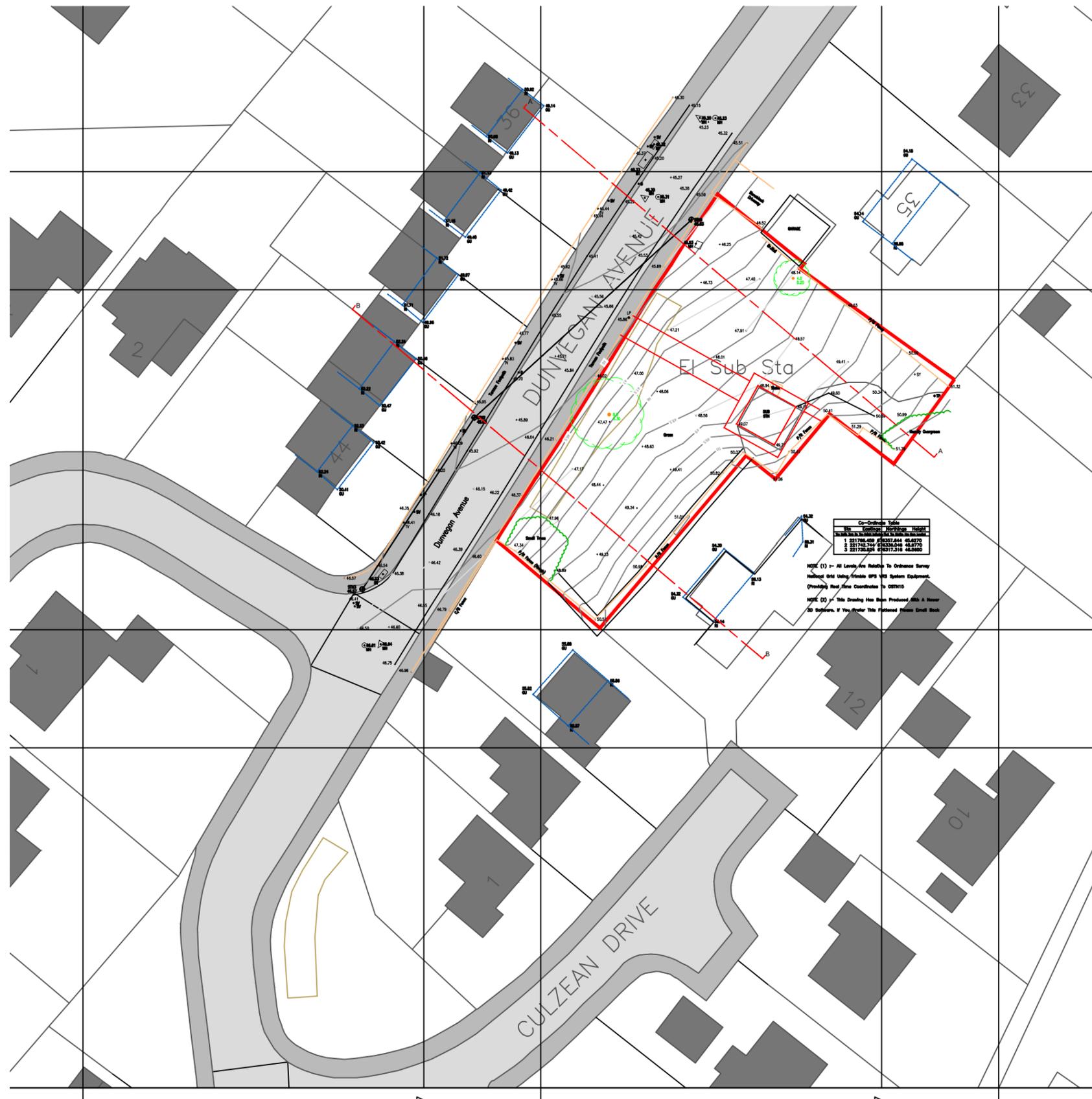
SCALE - METERS



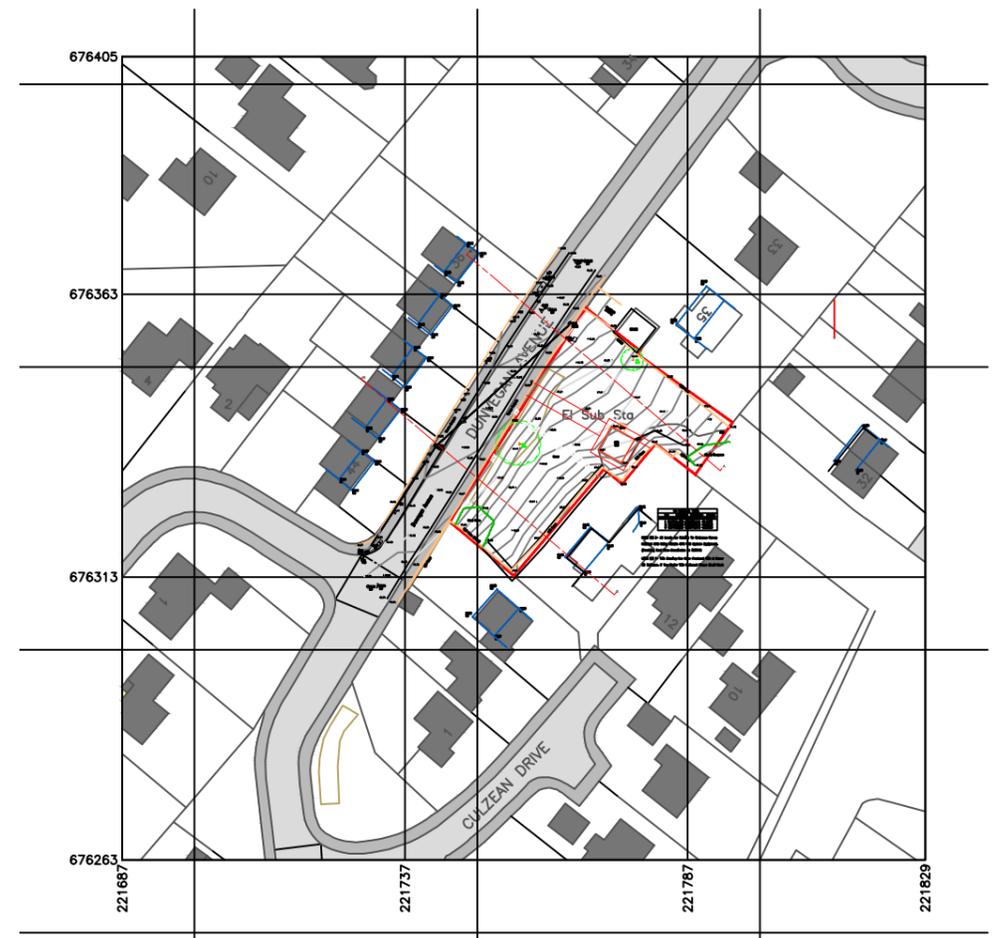
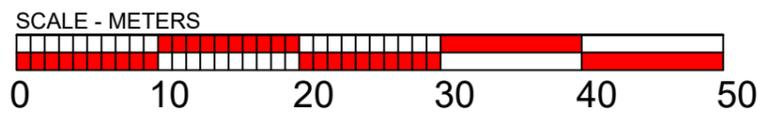
Hyndpark Developments Ltd - New Houses at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-0 100 Outline Plot Layout (2 Plots)
Scale 1:500 @A3 18.02.2022

DRAWING PREPARED FOR
PRE-PLANNING ISSUE
DISCUSSIONS ONLY

archiSTarchi Ltd
 SPACES PLACES ARCHITECTURE



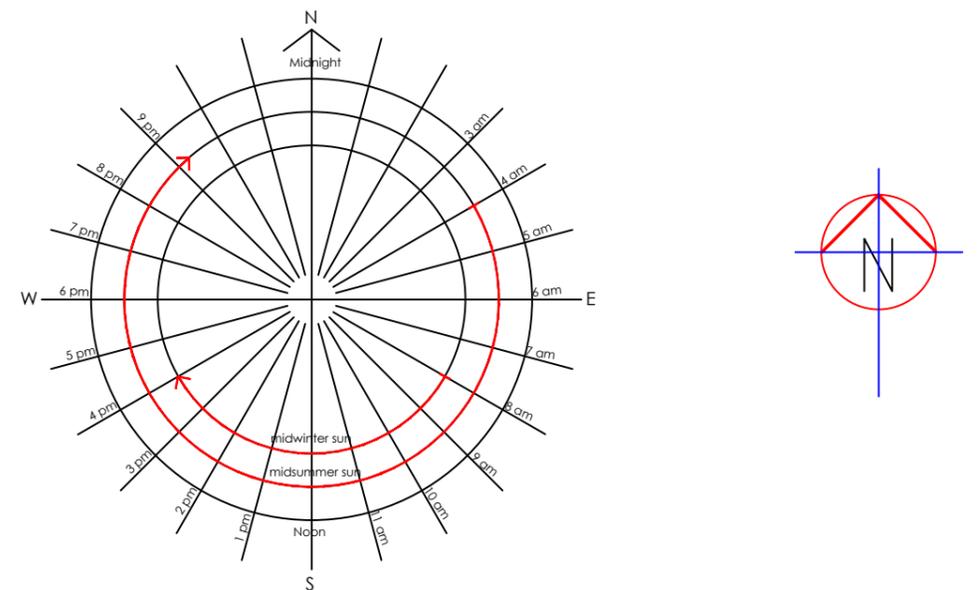
Site Block Plan
Scale 1:500

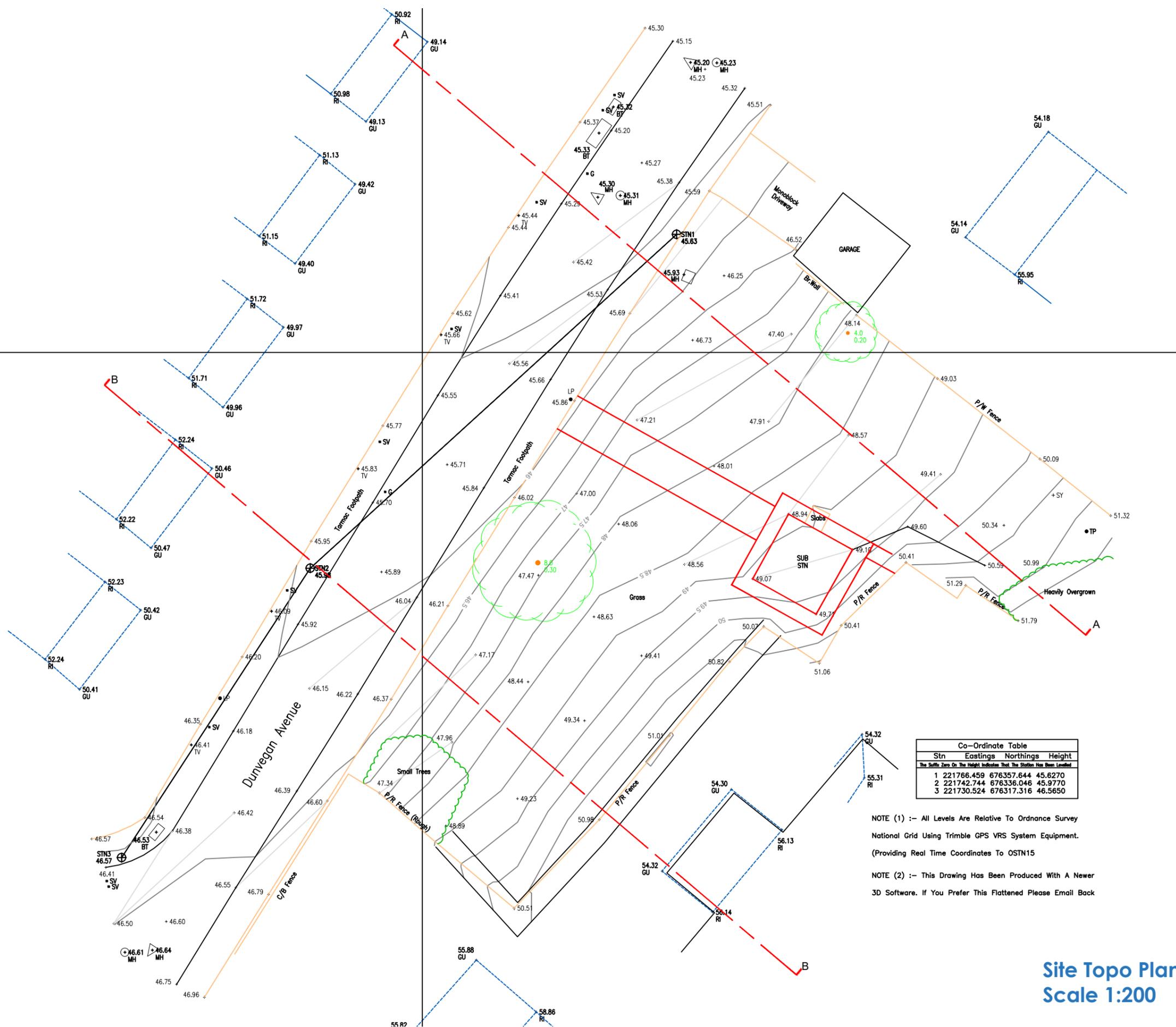


Site Location Plan
Scale 1:1250



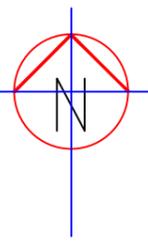
Site Area
973m²/0.097 Hectares (or thereby)





Legend

- Road Channels
- Buildings
- Roofline
- Verge
- Walls
- Fences
- Waterline
- Banking
- Open Drain
- Hedge
- Foliage Canopy
- Rootline
- Steps



- LP Lamp Post
- TP Telephone Pole
- EP Electricity Pole
- + SY Stay (Pole)
- SV Stop Valve
- GV Gas Valve
- RS Road Sign
- FH Fire Hydrant
- TL Traffic Light
- RE Rodding Eye
- BL Bollard
- PB Post Box
- ER Earthing Rod
- MK Marker Post
- ⊕ Control Station
- VP Vent Pipe
- DP Down Pipe
- WM Water Meter
- DR Drain
- KO Kerb Offset
- RP Reflector Post
- BS Bus Stop
- + Tel British Telecom
- + CTV Cable Television
- + 10.00 BV Bed Level
- + 10.00 WL Water Level
- + 10.00 TH Threshold
- + 10.00 TOW Top Of Wall
- G Gully
- GP Gate Post
- + 10.00 TOF Top Of Fence
- + 10.00 TOS Top Of Step
- + 10.00 TOT Top Of Tree
- + 10.00 GU Gutter
- + 10.00 CY Top Of Chimney
- + 10.00 RF Top Of Roofline
- + 10.00 SC Stone Course
- ⊕ 78.08 BH Borehole
- ⊕ 78.08 TP Trial Pit
- ⊕ 78.08 WLH Wall Head
- ⊕ 78.08 MW Monitoring Well

- Drainage Codes
- UTL Unable To Locate
 - UTR Unable To Raise
 - Dam. Damaged Cover

Internals Legend

- FL Floor Level
- BM Beam Level
- WS Window Sill
- WH Window Head
- F - S Floor - Soffit
- F - B Floor - Beam
- F - C Floor - Ceiling
- F - FC Floor - False Ceiling

Co-Ordinate Table			
Stn	Eastings	Northings	Height
<i>The South Zero On The Height Indicates That The Station Has Been Levelled</i>			
1	221766.459	676357.644	45.6270
2	221742.744	676336.046	45.9770
3	221730.324	676317.316	46.5650

NOTE (1) :- All Levels Are Relative To Ordnance Survey National Grid Using Trimble GPS VRS System Equipment. (Providing Real Time Coordinates To OSTN15)

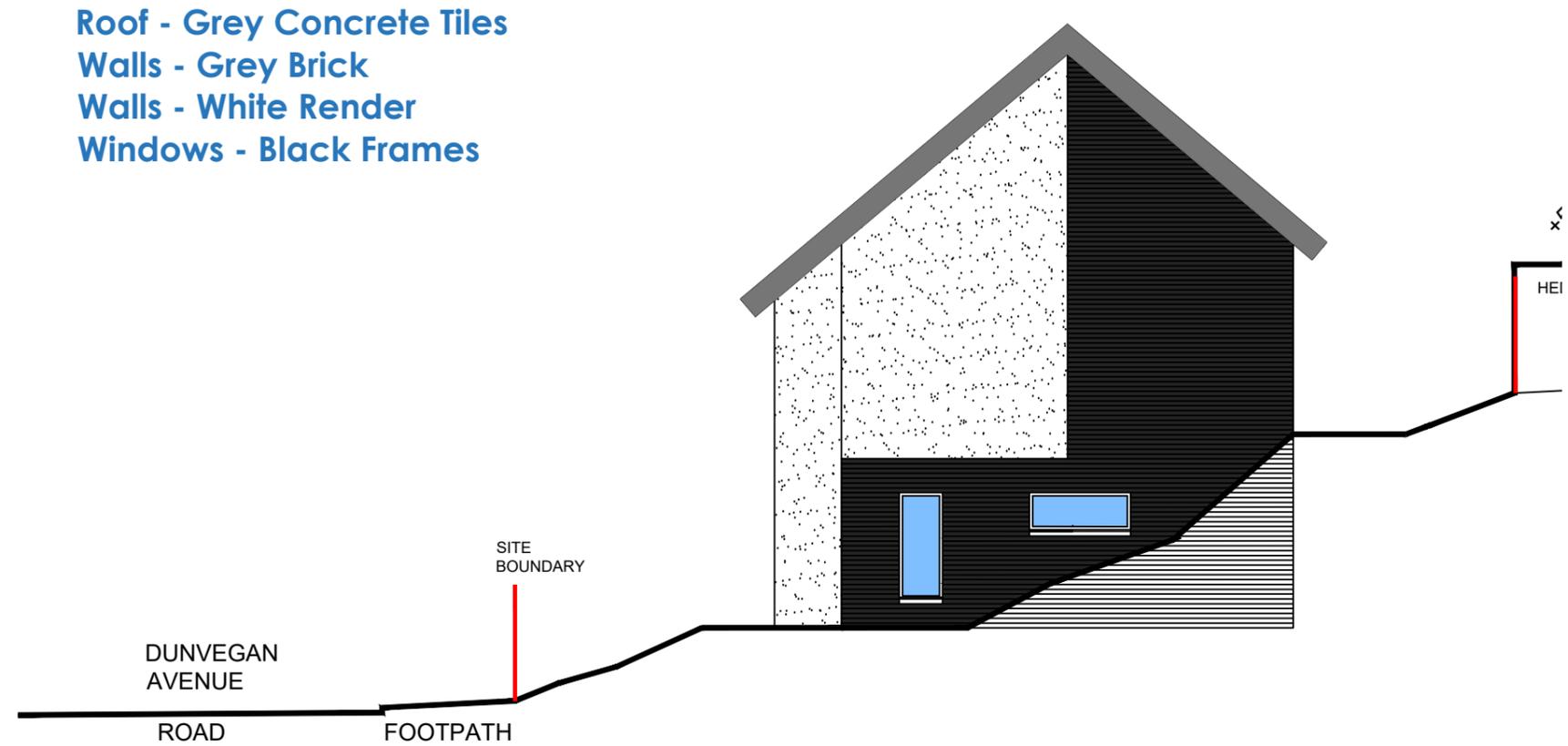
NOTE (2) :- This Drawing Has Been Produced With A Newer 3D Software. If You Prefer This Flattened Please Email Back

Site Topo Plan
Scale 1:200

Materials Pallet
 Roof - Grey Concrete Tiles
 Walls - Grey Brick
 Walls - White Render
 Windows - Black Frames



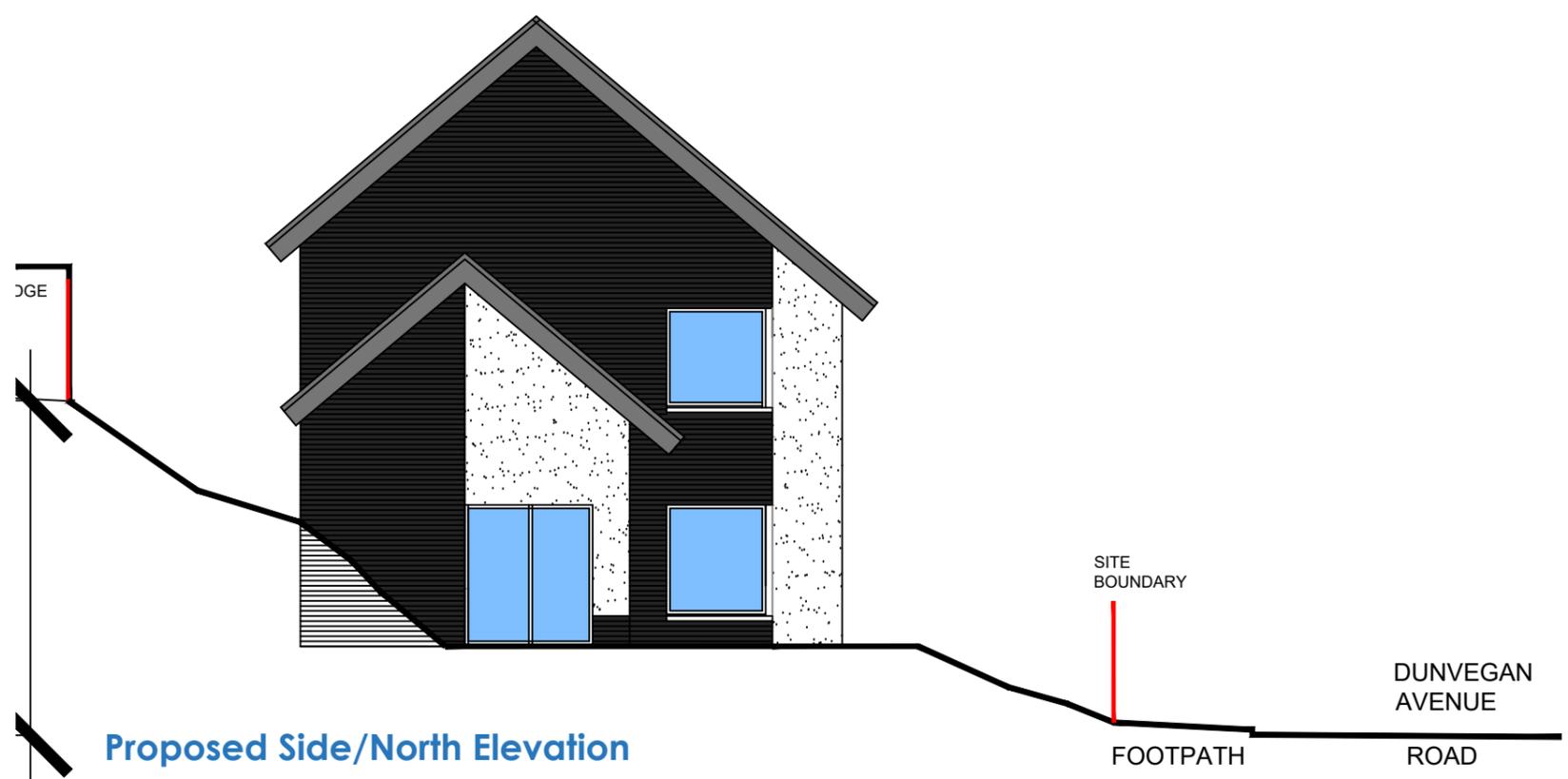
Proposed Front/North West Elevation



Proposed Side/South West Elevation



Proposed Rear/North East Elevation



Proposed Side/North Elevation

Mr Donaldson - New House at Dunvegan Avenue
 Gourock, Inverclyde PA19
P-P-0-501-A-Proposed House Elevations
 Scale 1:100 @A3 June 2022-FORMAL PLANNING



Materials Pallet
Roof - Grey Concrete Tiles
Walls - Grey Brick
Walls - White Render
Windows - Black Frames

Mr Donaldson - New House at Dunvegan Avenue
Gourock, Inverclyde PA19
P-P-0-502-A-Proposed House Sketches
Scale NTS @A3 June 2022-FORMAL PLANNING

archiSTarchi Ltd
SPACES PLACES ARCHITECTURE



Mr Donaldson

**Proposed New House at
Dunvegan Avenue,
Gourock
Inverclyde
PA19**

**Architects Planning Statement
June 2022**



Proposal – Formal Planning

INTRODUCTION

We have been appointed by our client Mr Donaldson and family to submit for formal Planning consideration a proposal for a new residential property to a vacant site in the established residential area of Dunvegan Avenue located to the west side of Gourrock. Dunvegan Avenue sits up on the hillside with quite spectacular Northerly views across the water to Dunoon and beyond with a mix of mainly single storey and two storey detached residential properties constructed from the 1970's onwards generally.

It is vitally important to note Mr Donaldson and family reside locally in Inverclyde and this Planning Application absolutely about providing a new home for the family with a child at school and keen to stay locally of course.

Initial Site Analysis, thoughts and processes

Our initial site analysis led to us endeavouring to understand the general topography, siting and layout of the existing site and surrounding area. The site is `L` shaped sloping upwards from north to south with single storey detached houses sitting high behind on long rectangular plots and to either side two storey detached properties on more regular plots. Across the road generally two storey detached houses and garages from perhaps 1970's/80's era. Dunvegan Road winds down towards the main Cloch Road running East-West along the waterfront.

In terms of the local Architecture most properties are simple in shape and form with pitched roofs and a materials pallet of brick and render panels traditional to the era of construction.

With the local housing typology of single detached dwellings and sites in various block patterns throughout the area, our site analysis process led us on a journey to work through varying block plan options ranging from a single detached family house and a quickly discarded option to provide an additional family home on the site. The family were initially keen to explore the opportunity for an additional family home on the site however through pre-planning consultation and having further thoughts on the site the family thought it best to retain the site as a single family home.

Due to the site constraints, topography and such like the site has a more rectangular frontage running on a north to south axis which manifests from the historical plots behind which have the same long rectangular plot configuration. An electric substation on the site separates the site where to the north a rectangular portion of the set runs on a east/west axis.

Proposal – Formal Planning

Key Project and Design Ethos - Sustainability – Circular Economy and the Scottish Governments Carbon Emissions Targets

A vitally important part of this formal Planning proposal deals with a major factor we all face in the construction sector today, addressing climate change. The Scottish Governments well documented targets of buildings reaching Net Zero Carbon by 2050 lead us to our evolving practice ethos and approach to the design and construction of sustainable and circular buildings generally which forms a fundamental part of this proposal and the design of the family home moving forward.

As the population grows and therefore demand for consumer products increases the demand for natural resources to facilitate these products also increases. Extraction of these raw material resources increases pressure on the environment with more energy, water and mineral usage in order to access these materials. The construction industry has generally worked to what is known as a linear economy where raw materials are taken from the earth, manufactured into products which are then discarded, often well before the end of their working life. Some materials can of course be recycled however materials such as copper and aluminium are therefore a lost resource.

If we continue to build and construct as per Linear Economy principles we will lose these essential raw materials, cause further damage to the planet and absolutely will fail to meet the Scottish Government Carbon Emissions Targets therefore there must be a fundamental change on how the construction industry approaches the design, construction and indeed re-use of buildings.

The Green Building Council has reported in order to meet Net Zero Carbon Emission Targets buildings will have to utilise materials within the existing construction infrastructure and buildings. In order to achieve this we have to be producing buildings now which in the future can be deconstructed and materials recovered and reused/repurposed at the end of their designated life. This process is called Circular Economy and is something we are embracing as an Architectural Practice now for the benefit of future generations.

With the above in mind and our office ethos of embracing Circular Economy principles means the design of the house will follow a completely different approach to a normal process where we will consider and address the carbon emissions that arise from the sourcing, processing, transportation, manufacture, construction and deconstruction of the materials proposed within the building. The products and built assets we use to create, use, maintain and remodel the building in future times will be and have been a fundamental consideration from the start of our conversations with Mr Donaldson.

The method of construction, building location and orientation, the material choices made, life span, adaptability and reusability have a big impact on a building's carbon emissions. We will be looking at offsite construction with well considered designs which will have a positive impact on physical activity levels of people increase the quality of life and of course aid mental and physical health and wellbeing . Embracing circular design principles helps achieve these principles and more.

The proposals will be for a home that can be constructed offsite and is flexible in its design, a building which incorporates adaptable spaces with higher accessibility standards allowing the house to evolve with the family in the future, with minimal adaptation. Over time as the family grows the house can adapt to varying needs and requirements. Better flexibility adds value and will result in prolonging the life of the buildings in line with Scottish Government's circular economy goals.

Proposal – Formal Planning

Key Project and Design Ethos - Sustainability – Circular Economy and the Scottish Governments Carbon Emissions Targets

Material choice is also important with natural materials and light a feature of the design ethos thus creating healthy buildings for our client and others of courses. A well thought out design helps to reduce carbon impact, reduce pollution and the reuse and recycling of local materials will aid material supply and reduce the lifetime costs of the building .

The Architectural shape and form of the house takes reference from those surrounding homes of simple shape and form although it is key to note these homes were designed and constructed in a different era and indeed to standards which are not appropriate and would not meet today's standards. The project therefore is for the provision of a modern house taking precedent from local shapes and forms, buildings which are simple in shape, with pitched roofs and buildings which settle into the landscape however a project that also meets modern housing needs and standards not only now but in the future too.

The house is situated to take advantage of the sun path throughout the day. In terms of its amenity impact the aim is for a carefully designed building rooted in the local landscape, which can be deconstructed and reused at the end of its intended design life are ambitions for this project

Our aim is to respect, protect and enhance natural, built and resources within the local area whilst siting a house which we hope will be seen as having a positive impact not only for our client but the local area too.

The proposal is therefore for a two storey home sited to the Southern end of the site and nestled into the landscape with a frontage onto Dunvegan Avenue. The house has been sited to take advantage of the views across the water but also key is its siting in consideration to the surrounding properties in particular No.7 Culzean Drive behind where the intention is to ensure existing views are maintained and indeed privacy for both properties therefore the proposed rear elevation to the house is single storey and the house set low in the landscape. Also, consideration in terms of any effect the house will have on No.7 which is sited to ensure in terms of foundations the house will be sited well within the 45-degree zone of influence for the design of foundations so as not to affect the property behind.

Materials proposed for the house align to those within the local area with brick and render and grey roofs over therefore grey brick with white render form the main material pallet with grey roofs, facias, soffits and rainwater goods in black along with black window and door frames with the aim of providing a modern twist to the property.

As prior mentioned sustainability is key and crucial therefore along with designing for deconstruction and off site construction being explored renewable technologies will be explored such as solar PV and water heaters, MHVR or Air Source Heating. In terms of drainage SUDS and permeable materials for hard landscaping will be introduced along the site edge with grey water recycling solutions for rainwater.

Proposal – Formal Planning

PLANNING POLICY AND CONSIDERATIONS

With an extensive pre-planning process taking place it is important to highlight responses to a number of planning considerations and policies which have been fully taken on board and implemented into this formal Planning proposal. We have aimed to positively respond to those comments with updated within our proposals which we feel has enhanced the development

Utilities

Mr Donaldson has been in discussions with all relevant utilities providers SP Energy Networks, Openreach, SGN and Scottish Water. The proposal to site the house in its proposed location reacts to these discussions with all major area utilities networks running through the Northern part of the site, any proposal to locate a house on the Northern Part of the site would therefore lead to major local area upheaval which is simply not feasible or sustainable. It is important to note there is a 3m wide access and cable wayleave to the power station which again negates the possibility of the northern part of the site being suitable for a house. Proposals have been updated in line with these discussions highlighting SP access to the Existing Sub Station. The intention is to maintain these essential access zones however ensure that landscaping solutions are appropriate to ensure the site feels as one rather than a fragmented and disjointed solution.

The site to the north will therefore form a major part of the private garden space for the property which makes the best use of privacy both for Mr Donaldson and his family and also the neighbouring properties.

Planning Policies 1, 6, 10, 11 and 35 of the adopted Local Development Plan and Policies 1, 6, 11, 12, 18, 20 and 36 of the proposed Local Development Plan are relevant to the proposal. Both the adopted and draft Planning Application Advice Notes (PAANs) 2 and 3 on “Single Plot Residential Development” and “Private and Public Open Space in New Residential Development” respectively are also relevant.

This area of grass is not designated for potential development in either the adopted or proposed Inverclyde Local Development Plans (LDP) however this site has always been under private ownership and is not arranged as a public garden or open space. The site currently being developed directly across the road was identified as being public open space in the Sassinnes Register.

To advise the existing Henry Boot Homes development circa 1980 did not call for the site to be shared in common amongst the remaining owners through legal title, and has never been held in public ownership. The previous site owner left the site in its existing condition coupled with the requirement for Scottish Power to have access to the sub-station which is part of an Historic Lease Agreement with the landowner. With this in mind we would respectfully suggest Policy 35 would not be applicable in this instance.

With regards to Policy 36 locally there is an abundance of Open Spaces within a few minutes walk from the site including a substantial 4.6 Acre woodland off Dunvegan Avenue covered by a TPO and a 0.36 Acre grassed area between Dunvegan Avenue and Brodick Drive at Levan Burn. This site is undevelopable due to being landlocked with a pedestrian access path however is relatively flat and we would suggest more appropriate amenity space

There are several grassed amenity areas throughout Dunvegan Avenue and surrounding locale such as along Culzean Drive and Tantallon Avenue which due to their context would not be suitable for anything other than amenity space.

Proposal – Formal Planning

Policy 18 of the proposed LDP relates to Land for Housing and indicates that in order 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. Policy 20 of the proposed LDP relates to the impact of development on the amenity, character and appearance of the residential area.

If the loss of this open space is justified, under the general terms of Policies 18 and 20 of the proposed LDP the principle of proposed houses at this location may then be acceptable subject to the details of what is proposed.

One of the key aims of this development to meet Policies 18 and 20 in a positive way and indeed provide essential family home within the locale, although of modern construction methods we would hope this development will compliment and enhance the character found within the local area

In terms of Policy 1 of both the adopted and proposed LDPs the qualities of being “Distinctive” (respecting urban form; reflecting local architecture and materials) and “Welcoming” (integrate new development into existing communities) are relevant to discussing this proposal at this stage in terms of how the proposal relates to the site and surrounding area.

With regards to the siting and proposed design the image on drawing P-P-0 100 gives the impression that the ground levels are to be reduced to create a flat site with retaining walls constructed around the side and rear boundaries. I do not see how this would be possible as the sub-station is elevated above Dunvegan Avenue and I would have concerns at the extent/height of the retaining walls that would be required. I assume however that a level platform will be created where the footprint of the house is to be in each plot resulting in each house being elevated above Dunvegan Avenue with sloping front and rear gardens. It would be useful to see a contextual street elevation showing the existing houses on either side in order to compare the heights of the proposed houses to the existing houses on this side of the street as well as sections through the plots to the respective houses at the rear.

The plot will sit on level platform working with the site with the aim to having a lower setting albeit in an elevated position taking reference from the adjacent and surrounding dwellings. A topographical survey was commissioned by Mr Donaldson with existing and proposed site sections produced, and contextual street elevation produced as part of this application. It is important to note the longer site arrangement follows those at Culzean Drive behind with long rectangular plots.

Proposal – Formal Planning

The irregular shape of the land was acknowledged and position of the sub-station restricts the plots in line with comments in terms of major services infrastructure

The existing buildings across the road are notably different from those found along Dunvegan Avenue which in the main, are larger detached homes. That said, the overall area has a unique character with the overall area surrounding the Levan Castle and the build type is not uniform which we would hope allows some flexibility with our proposals.

The proposed block is sited to reflect how the adjacent plots behind are sited taking reference from No33 and No35 in terms of scale, proportion and siting. The house is sited at levels affording slightly lower roof heights taking into account site levels.

Both the adopted and draft PAAN2 give advice for infill plots, which this proposal is. PAAN2 includes advice that established street front building lines should be followed and the distance of the building to garden boundaries should reflect that in the locality. PAAN3 includes advice that rear garden depths should be 9m. The distance from the rear elevation of the house at Unit A to the rear boundary with the nearest house in Culzean Drive does not meet this advice. There may be overlooking and privacy issues for both the existing and proposed houses as a result of this. A section through Unit A to the house at rear will allow the potential impact on the existing property to be assessed further.

The proposal aims to maintain the street frontage building line aligning with similar distance from the pavement as the existing garages to 33 & 35 Dunvegan Avenue, and striking a balance between hard and soft landscaping along the frontage that characterises Dunvegan Avenue, we would respectfully suggest this aligns with the design intent of PAAN2. Beyond this site at Dunvegan Avenue, the plot siting alters to a selection of rear garden fencing adjacent to the plot for the homes at Culzean Drive. We feel the position will help with the design flow through the development to signify a change in orientation, and at the least would not impact what is already established.

During a site walkthrough, we noted the nearest house at 7 Culzean Drive, as having the same arrangement of the garden & driveway facing the gable end to what is proposed for the plot with the front door facing toward the Levan Farm hills South-East. Whilst the proposal may not fully align with PAAN3 we do have a unique plot and we would hope proposals put forward are seen to be in keeping with the design intent of PAAN3 through providing extensive garden space, which for this particular plot would be to the gable ends similar to 7 Culzean Drive.

Conclusion

We would hope with the proposals and design ethos offered for formal Planning consideration, the Local Authority will embrace this project with the benefits outlined which will create home for a local family which is highly sustainable and perhaps the first of its kind in the area in terms of its sustainability and circular economy aims not to mention on a vacant site which is fit for purpose not only for today but also for tomorrow.

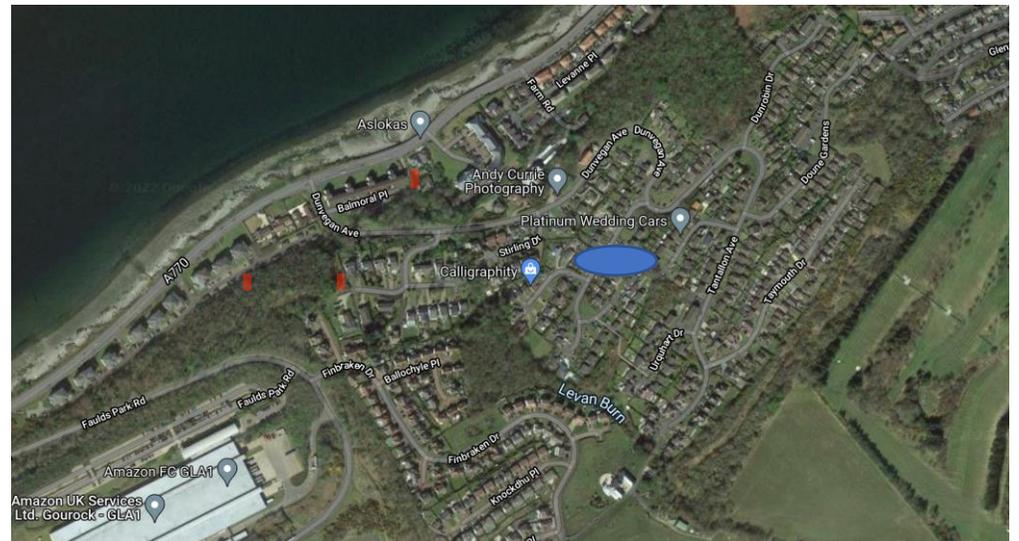
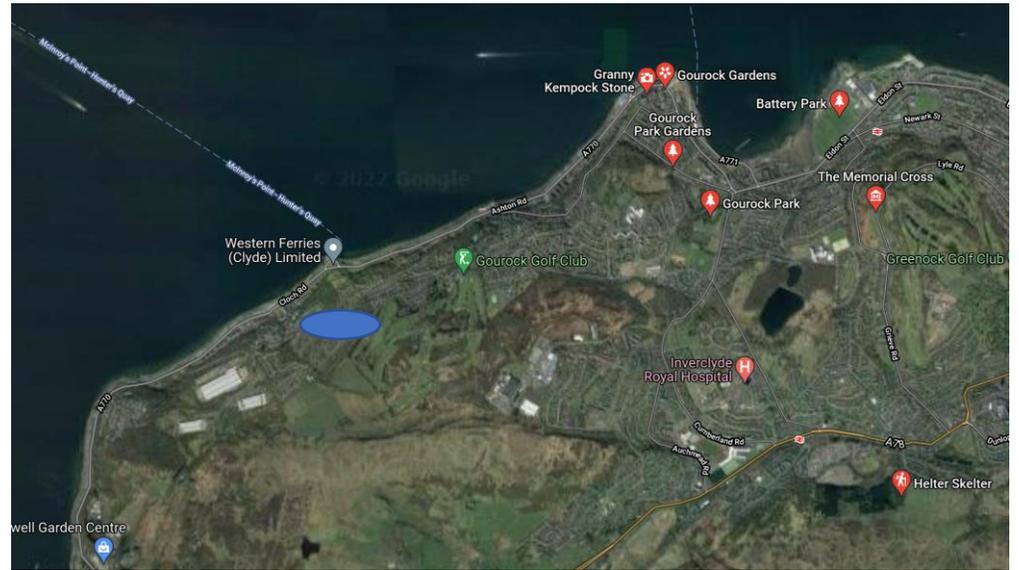
A new buildings which is rooted in traditional vernacular however also embraces new thinking in design and approach, which positively aids the Scottish Governments Climate Emission Targets and Circular Economy principles. Homes which can be deconstructed, and materials and resources re-used at the end of their useful life. Buildings which can be adapted and utilise renewable resources such as Solar PV, MVHR and constructed to the highest standards possible.

We hope this a project which will be an exemplar development within the local area and beyond and look forward to engaging with Inverclyde Council Planning Service through this pre application process and beyond.

We welcome further discussion and direction moving forward

Site Location

Dunvegan Avenue is located within an established residential area to the west side of Gourock.



Site Images



South to site as viewed from Dunvegan Avenue.



South to site as viewed from Dunvegan Avenue.



North towards Argyll site as viewed Southern end of the site



North towards Argyll site as viewed Northern end of the site

Site Images



Views North turning into Dunvegan Avenue



Views North turning into Dunvegan Avenue note high level and sloping plots to houses on east



View North, project site to east and existing houses to west, note brick pallet with render panels and drak grey tones to roof etc

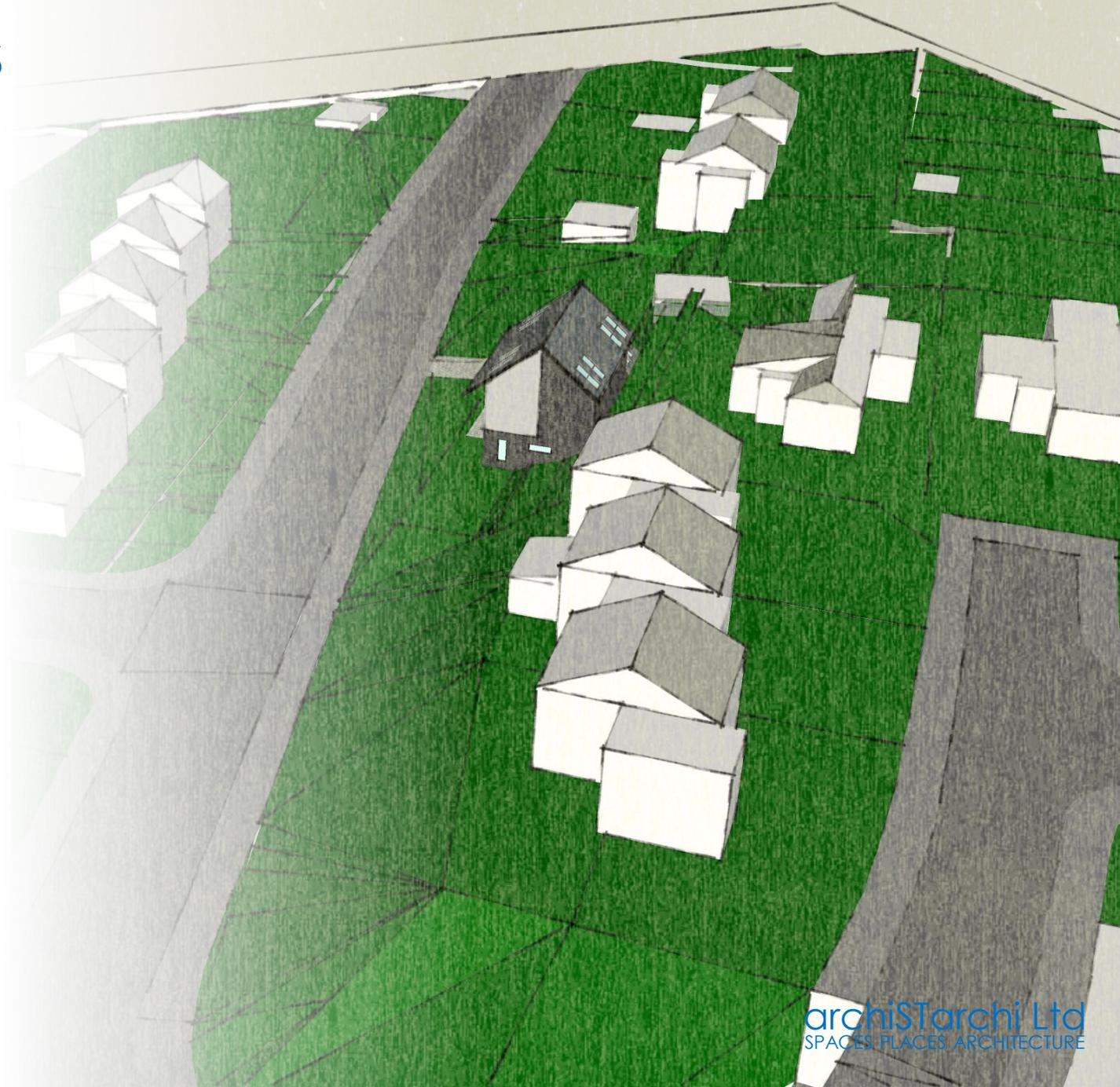
Inspirational Images



Inspirational Images

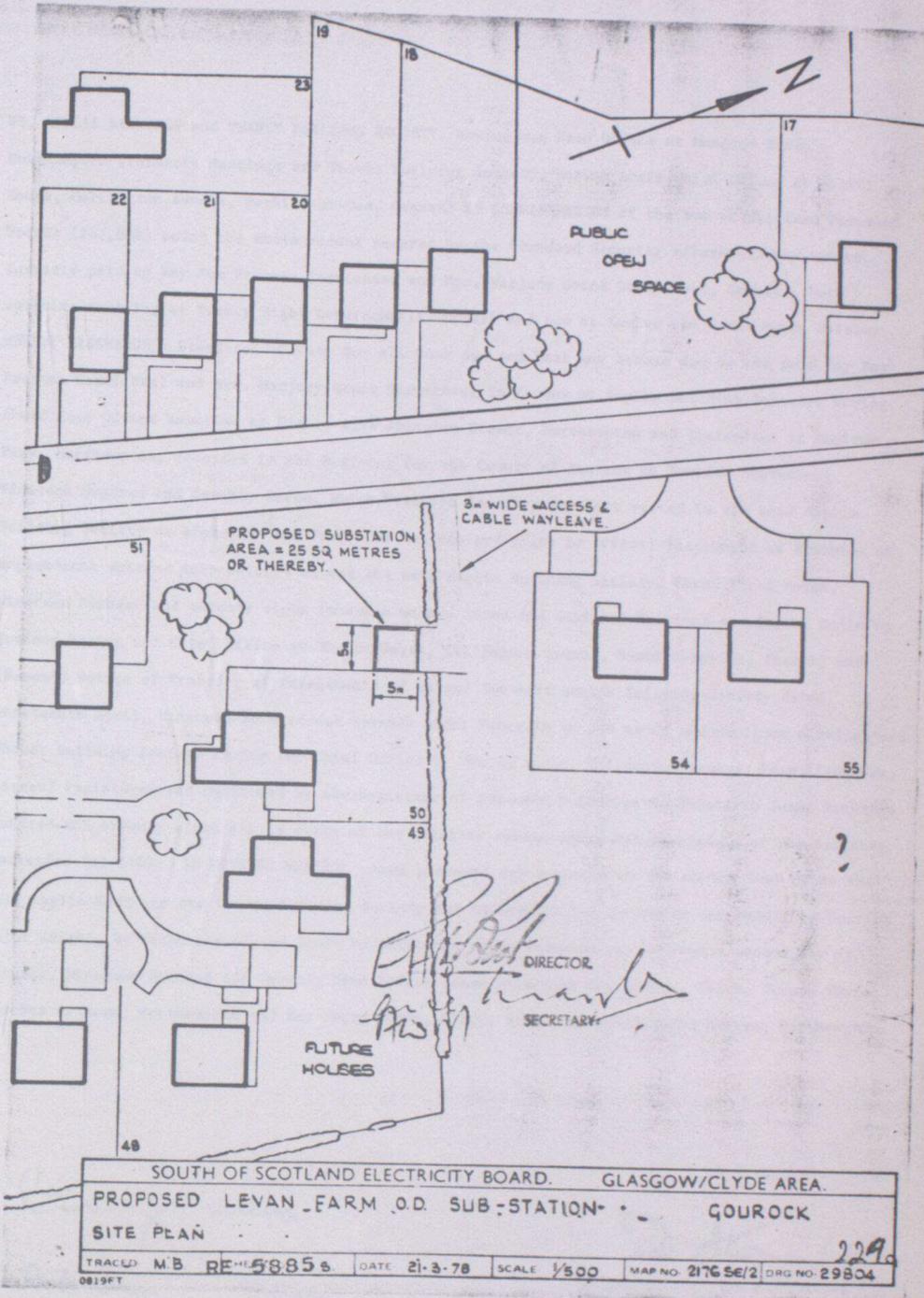


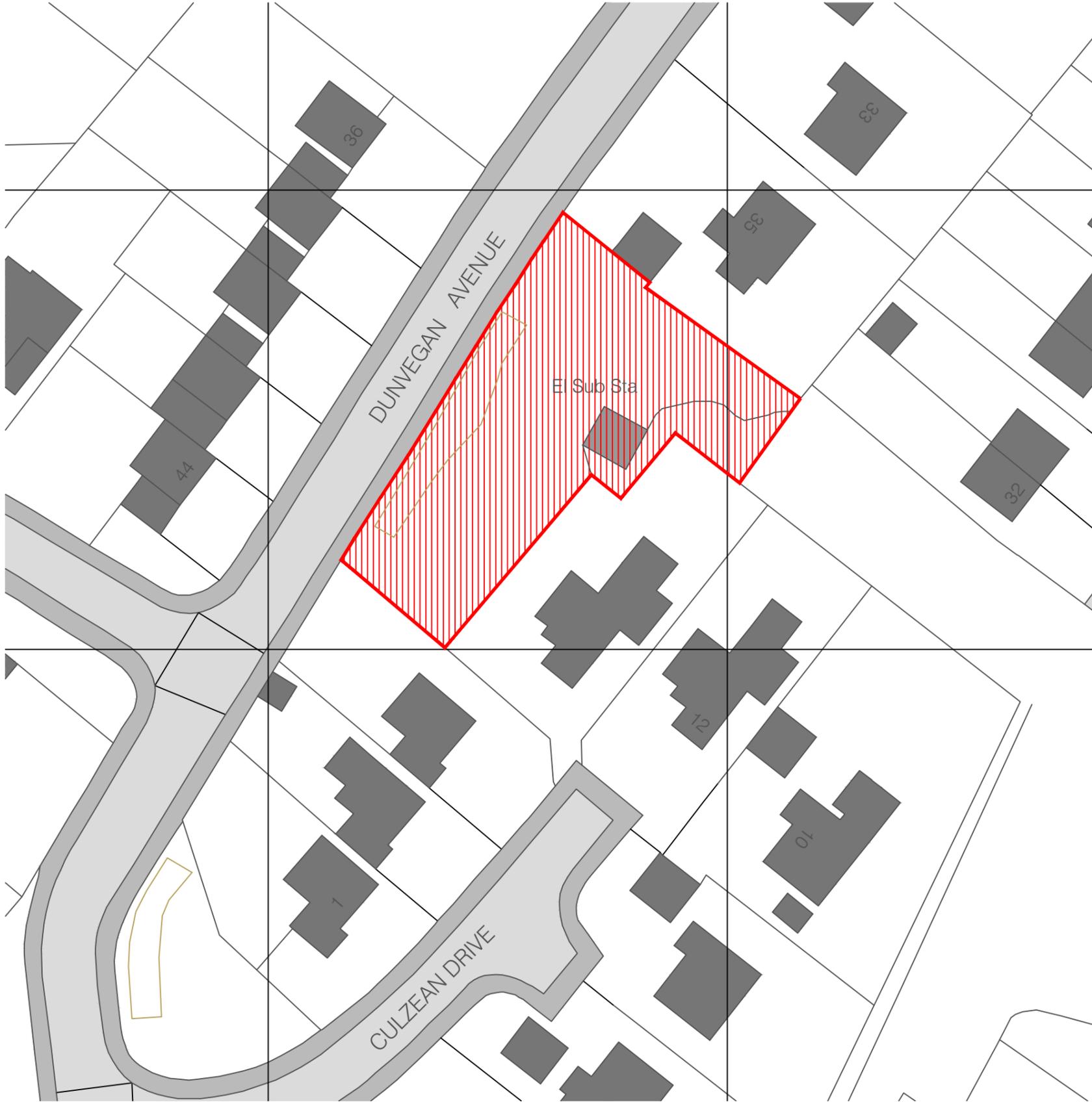
Wee Sketches



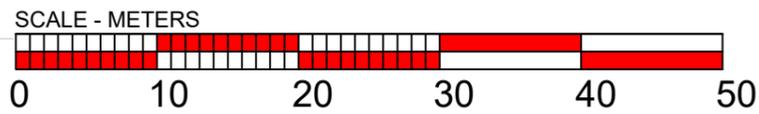
Wee Sketches



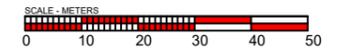




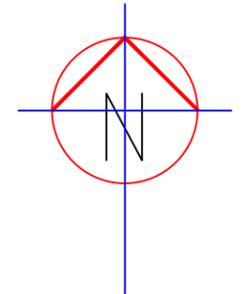
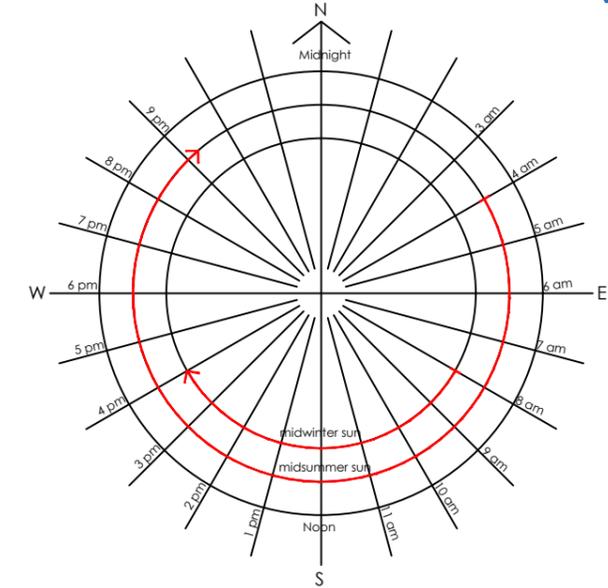
SK 90
0001 Existing Site Block Plan
Sketch Issue Scale 1:500



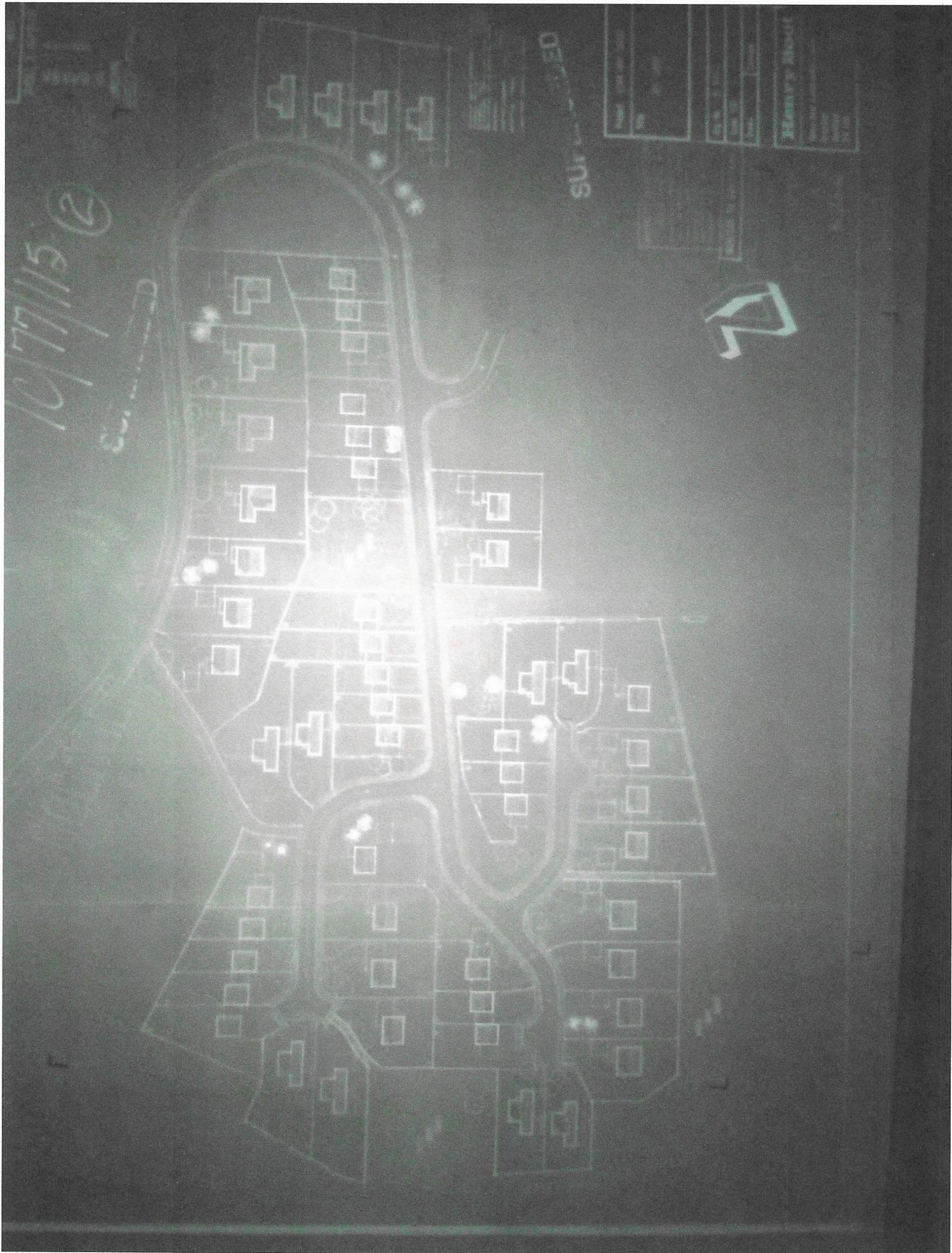
SK 90
0001 Existing Site Location Plan
Sketch Issue Scale 1:1250



Site Area
973m²/0.097 Hectares (or thereby)



PRODUCTION 8.7



We, HENRY BOOT CONSTRUCTION LIMITED, incorporated under the Companies Acts and having our Registered Office at Banner Cross Hall, Sheffield, heritable proprietors of the subjects hereinafter disposed IN CONSIDERATION of the sum of TWENTY FIVE POUNDS (£25) STERLING paid to us by THE SOUTH OF SCOTLAND ELECTRICITY BOARD, constituted under the Electricity (Scotland) Acts 1943 to 1954 of which sum we hereby acknowledge the receipt and discharge them HAVE SOLD and DO HEREBY DISPONE to and in favour of the said South of Scotland Electricity Board and their successors and assignees whomsoever heritably and irredeemably ALL and WHOLE that plot of ground containing Twenty five square metres or thereby part of the Estate of Ardgowan lying within the Parish of Inverkip and County of Renfrew and bounded as follows videlicet:- On or towards the north east by property now or formerly belonging to us along which it extends Five metres or thereby; on or towards the South east by property now or formerly belonging to us along which it extends Five metres or thereby; on or towards the south west by property now or formerly belonging to us along which it extends Five metres or thereby; and on or towards the north west by property now or formerly belonging to us along which it extends Five metres or thereby all as said plot of ground is shown within the boundaries coloured red on plan annexed and executed as relative hereto; TOGETHER WITH (One) a heritable and irredeemable servitude right of access for vehicular and pedestrian traffic over that strip of ground Three metres (3m) or thereby in width and shown coloured pink and marked "3m wide access and cable wayleave" on said plan (Two) a heritable and irredeemable servitude right to lay, maintain, repair, renew and enlarge in, through and over said strip of ground coloured pink, all cables, pipes, and ducts and other underground works subject to our disponees and their foresaids making good any damage caused in the exercise of the servitude right (Three) the parts, privileges and pertinents of the said plot of ground hereby disposed and (Four) our whole right, title and interest present and future therein; Which plot of ground hereby disposed forms part and portion of ALL and WHOLE the several pieces of ground parts of the Estate of Ardgowan lying in the said Parish and County and more particularly described in, disposed by and delineated on the plan annexed and executed as relative to Feu Disposition by the Factor and Commissioner for Houston Mark Shaw Stewart in favour of Weir Construction Limited dated Sixth and recorded in the Division of the General Register of Sasines applicable to the County of Renfrew on Twenty third both days of December, Nineteen hundred and seventy four; But the subjects hereby disposed are so disposed ALWAYS WITH AND UNDER the burdens, reservations, conditions, provisions, limitations, obligations, stipulations and others specified and contained in the said Feu Disposition dated and recorded as aforesaid; And also WITH AND UNDER the following additional burdens, conditions, restrictions and others videlicet:- (One) our said disponees and their foresaids shall instal on the said plot of ground/

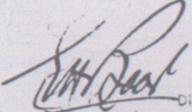
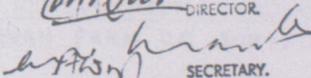
RE 5885

REGISTERS OF SCOTLAND.
GENERAL REGISTER OF SASINES.
COUNTY OF RENFREW.
Book 5885 Folio 227
Presented and Recorded on 15th March 1979

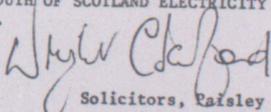
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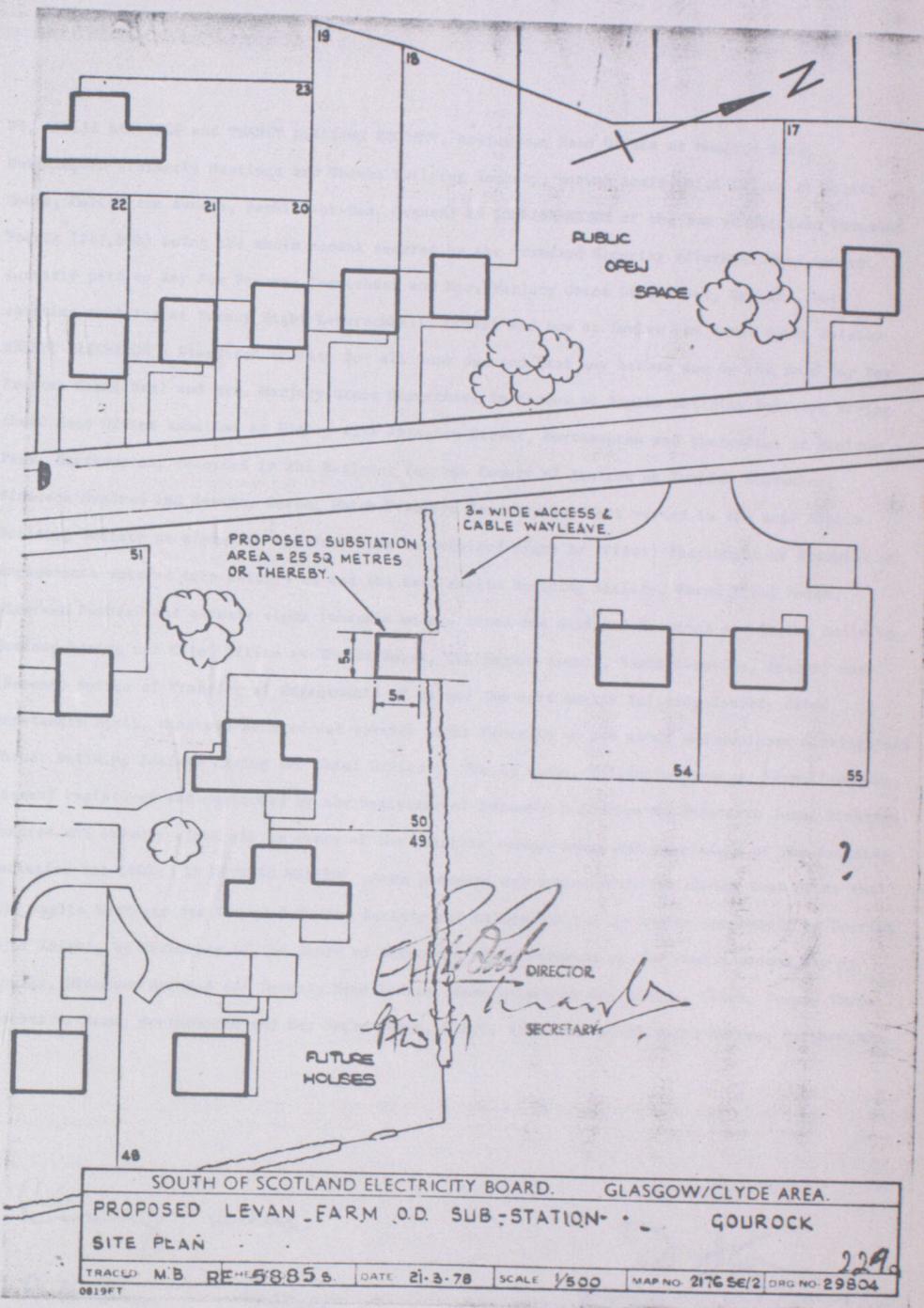
- PAGE SECOND -

ground apparatus or equipment to be used as an electricity sub-station only and for no other purposes whatsoever unless with the prior consent in writing of us or our successors and (Two) our said disponees and their foresaids shall be responsible for the full cost of the erection and maintenance of a suitable wall or fence to enclose the said plot of ground on all sides; which burdens, conditions, reservations, and others are hereby declared real liens and burdens upon and affecting the subjects hereby disposed and as such shall be recorded in the appropriate Division of the General Register of Sasines as part of these presents and shall be asserted or validly referred to in all future Dispositions, Transmissions, and other investitures whereof, otherwise the same shall be null and void subject to the terms of Section Nine of the Conveyancing (Scotland) Act 1924; WITH ENTRY as at the _____ day of _____ Nineteen hundred and seventy _____ notwithstanding the date hereof; And we assign the Writs but in respect that they relate also to other subjects of greater value than those hereby disposed we bind and oblige ourselves to make the same furthcoming to our said disponees and their foresaids on all necessary occasions and on the usual borrowing terms and to take the party or parties to whom the said Writs may ultimately be delivered bound in a similar obligation; And we assign all right competent to us quoad the subjects hereby disposed to demand exhibition or delivery of all other and prior writs and Searches; And we assign the rents; And we bind ourselves and our successors to free and relieve our said disponees and their foresaids of all feuduties and public burdens due now and in all time coming; And we grant warrandice; And we certify that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value ^{of} of the consideration exceeds FIFTEEN THOUSAND POUNDS: IN WITNESS WHEREOF these presents consisting of this and the preceding page are executed as follows videlicet: they are sealed with our Common Seal and subscribed for and on our behalf by Edward Hamer Boot one of our Directors and Albert William Marsh our Company Secretary all at Sheffield on the twenty second of January Nineteen hundred and Seventy Nine.


DIRECTOR.

SECRETARY.

REGISTER on behalf of the within named SOUTH OF SCOTLAND ELECTRICITY BOARD in the REGISTER of the COUNTY of RENFREW.


Solicitors, Paisley
Agents.



38 Dunvegan Avenue
Gourock
PA19 1AE

19th October 2017

Dear Rona, as per your email dated 9th October 2017, please find below the new representation 

NEW REPRESENTATION

As shown on the attached document, when the Levan Farm Estate was delivered in 1979 the vacant land between 34 and 36 Dunvegan Avenue was designated "public open space". As the text shows it was intended for "general amenity".

The ground was not fenced off and it was regularly maintained by the council for many years.

The land was subsequently sold and fenced off and some considerable time later when the land had become overgrown, permission was sought to build on it (2010).

The permission was refused and I was among the objectors at that time.

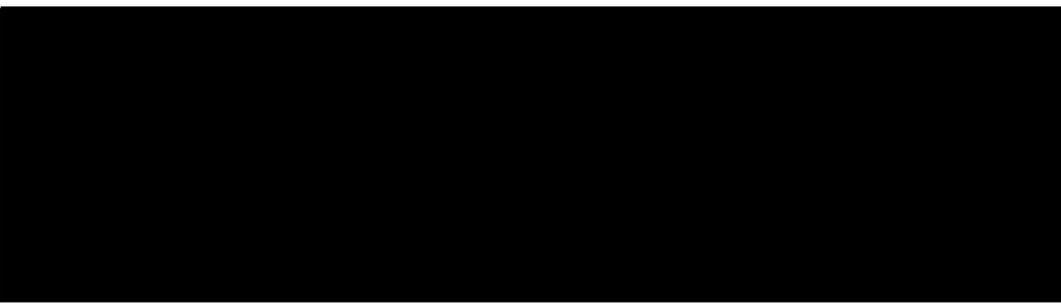
Despite the fence(s) and the overgrown state of the land it is still open space today and thus maintains the overall visual layout and landscaping of Levan Farm estate as shown on the attached document.

Given that permission was refused in 2010 on the grounds that this is open space, I see no reason for it to be given now.

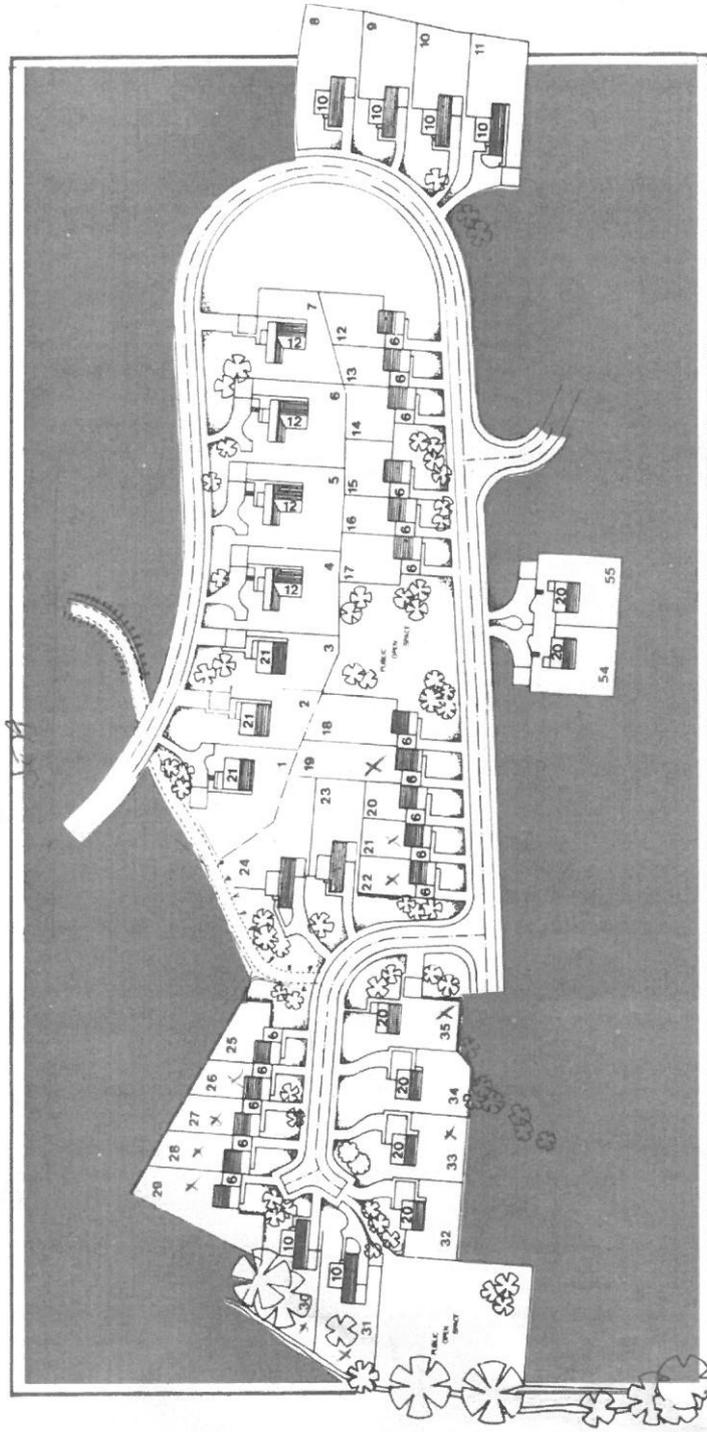
I would also like to point out that, since this area was fenced off, local children, who used to play there safely, now play on the area opposite on which the electricity substation is located. Unlike the land between 34 and 36 Dunvegan Avenue this area is dangerous for children to play in as it slopes towards the road.

Yours sincerely,

Ian R.H. Smith



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.

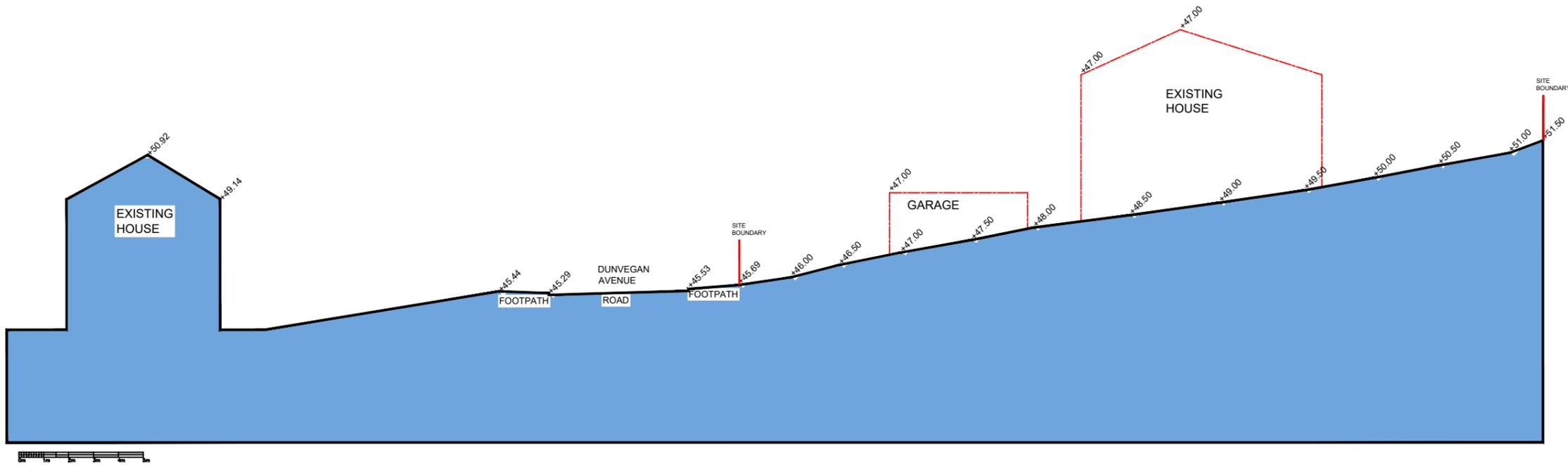
The range includes desirable 3 bedroom split level houses, 3 bedroom bungalows and 4 bedroom executive style houses all with

garages. The larger dwellings have double garages and a number have been designed with a roof terrace over.

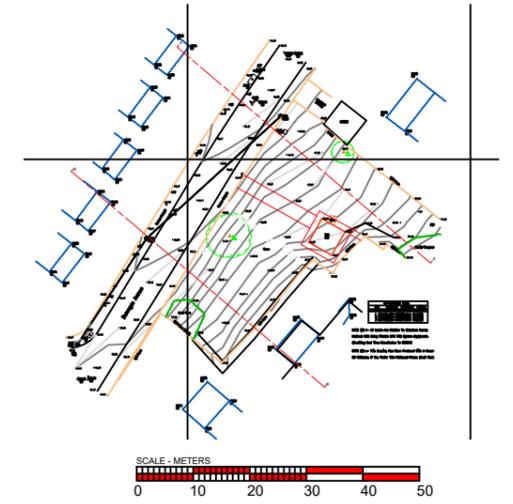
Spacious areas of grassland for general amenity purposes will be provided and a tree planting scheme will be carried out to supplement the many mature trees retained within the scheme.

PART XIV

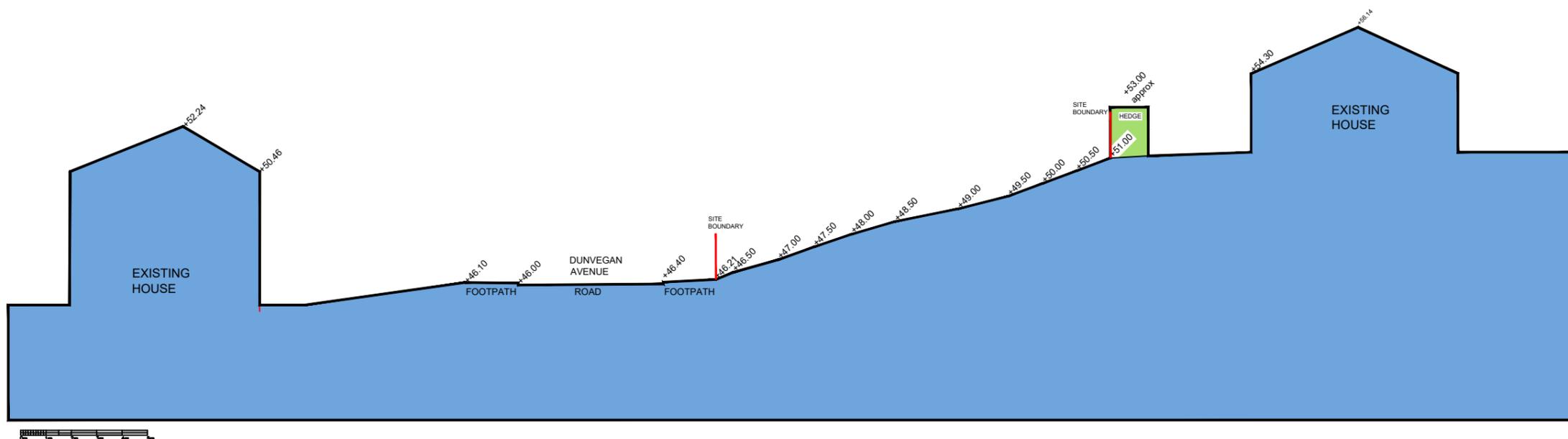
- “mineral-working deposit” means any deposit of material remaining after minerals have been extracted from land or otherwise deriving from the carrying out of operations for the winning and working of minerals in, on or under land;
- “minerals” includes all substances of a kind ordinarily worked for removal by underground or surface working;
- “mining operations” has the meaning given by section 26;
- “Minister” means any Minister of the Crown or other government department;
- “open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground;
- “operational land” has the meaning given by section 215;
- “owner”, in relation to any land, includes (except in section 35) any person who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of an undertaking, and includes also a lessee under a lease of agreement, the unexpired period of which exceeds 3 years;
- 1997 c. 9. “the planning Acts” means this Act, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning (Hazardous Substances) (Scotland) Act 1997 and the Planning (Consequential Provisions) (Scotland) Act 1997;
- 1997 c. 10. “planning authority” has the meaning given by section 1;
- 1997 c. 11. “planning contravention notice” has the meaning given by section 125;
- “planning decision” means a decision made on an application under Part III;
- “planning permission” means permission under Part III;
- “planning permission granted for a limited period” has the meaning given by section 41(3);
- “prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act;
- 1986 c. 44. “public gas transporter” has the same meaning as in Part I of the Gas Act 1986;
- “purchase notice” has the meaning given by section 88;
- “restoration condition” has the meaning given by paragraph 2(2) of Schedule 3;
- 1984 c. 54. “road” has the same meaning as in the Roads (Scotland) Act 1984;
- “simplified planning zone” and “simplified planning zone scheme” shall be construed in accordance with section 49;
- “statutory undertakers” and “statutory undertaking” have the meanings given by section 214;
- “steps for the protection of the environment” has the meaning given by paragraph 5(3) of Schedule 8;
- “stop notice” has the meaning given by section 140;
- “suspension order” and “supplementary suspension order” have the meanings given by paragraphs 5 and 6 respectively of Schedule 8;



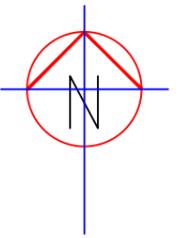
Existing Site Section A-A



Site Section reference Plan
Scale 1:1250

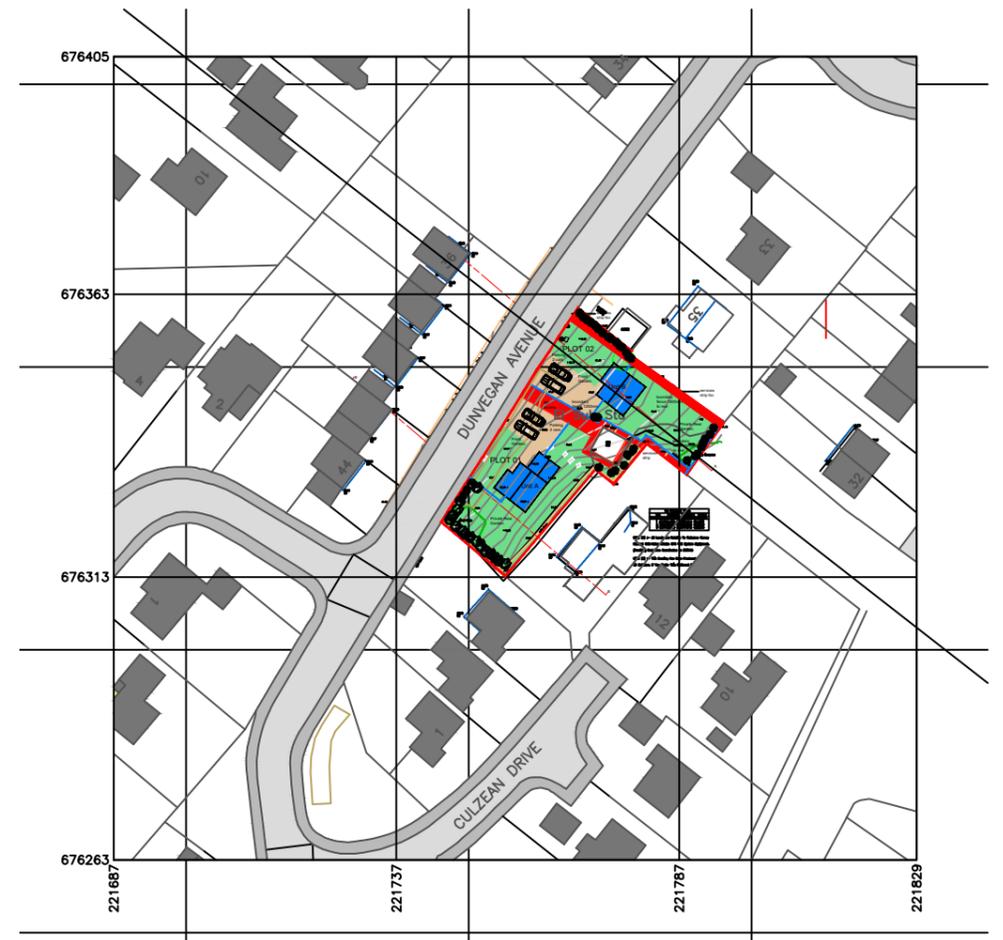
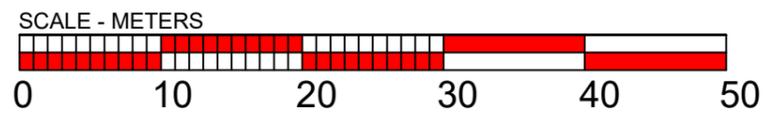


Existing Site Section B-B

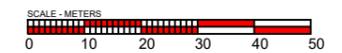




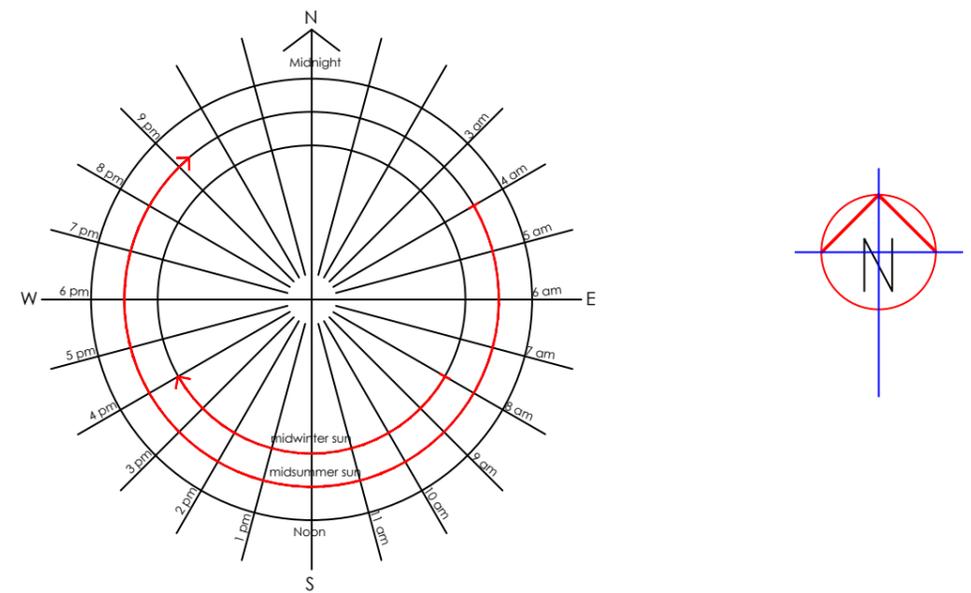
Proposed Site Block Plan
 Scale 1:500



Proposed Site Location Plan
 Scale 1:1250



Site Area
 973m²/0.097 Hectares (or thereby)



**11. FURTHER REPRESENTATIONS SUBMITTED
FOLLOWING RECEIPT OF NOTICE OF REVIEW**

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Land at Dunvegan Avenue (adjacent to sub-station), Gourock - Inverclyde Local Review Body
Date: 05 November 2022 13:01:14

Hi,

Thank you for the letter advising me of the review for planning application 22/0169/IC. We were delighted when original decision to refuse planning application was refused and our outlook has not changed. The decision to buy our home at 7 Culzean Drive was influenced hugely by the layout and open spaces of the housing on the Castle Levan estate.

We have lived in our home for [REDACTED] years, in which time, our two sons along with many other children have had the benefit of playing and growing up using the green, well maintained open space on which the applicant now wants to build on. The area is well used by local children throughout all seasons of the year, as parents considered it to be a safe area for children to play, thus avoiding the need to use a car to travel to areas such as Battery Park.

Although our children have grown up now, other families that have moved to our area also have had the benefit of using the area throughout the year to play, get fresh air and have fun.

We don't consider it appropriate that any developer should see established, well used green open space intended for recreation as a building opportunity.

Regards
Robert Craig.

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Planning application 22/0169/IC
Date: 10 November 2022 10:25:46

Hi Colin,

I have read the appeal letter submitted by S Thomson of Archistarchi Ltd. On page 20 S Thomson refers to our house at 7 Culzean Drive Gourrock PA19 1AW Gourrock, with it's front door (figure4) facing southeast toward Levan Farm.

This is not accurate and is misleading, as the door pictured on page 21, is in fact our kitchen door and not our main front door. Also misleading in the article is we have our front door and bedroom window at left hand side gable with an outlook to both west and north and on to proposed property.

He also fails to mention our opposite gable to the right of our property which includes a further bedroom window with outlook to both north and east, which is followed by our lounge, which has two picture sized patio doors facing north, west and east with access to our front garden which will look on to proposed development.

Mr Thomson also neglects to mention our sun lounge , which is attached to our lounge with three panoramic windows, two of which have an outlook north, west and east and also on to proposed property.

On page 23 it is stated that the proposed house is situated to take advantage of sun throughout the day, something which we currently enjoy from two bedrooms, lounge, sun lounge and our front garden. The proposed development will, because of close proximity and height, put our garden, bedrooms, lounge and sun lounge in to the shade most of the day and will greatly affect our privacy in both our home and garden as the windows and velux windows on the roof , which incorporate a games room and entertainment room, all looking into our garden and home.

I also disagree with S Thomsons opinion that the open space is dangerous for children to play on as many families have played there for many years.

The applicant refers to above planning application as a two storey house but I consider it a three storey as house as attic/loft space has two rooms which he claims are for entertainment but which could easily become bedrooms at a future date, as both have velux windows, thus clearly making it a three storey development which will invade our privacy in both our home and garden.

Regards
Robert Craig
7 Culzean Drive
Gourrock
PA19 1AW

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Building app No 22/0169/IC
Date: 13 November 2022 12:15:32

Hi,

Further to planning app no 22/0169/IC, my neighbour at 10 Culzean Dr Gourrock gave me a drawing no BC 9410 / 19 A

On page 10 of S Thomsons review request section 3 - 4 and 5 refer to trees to be planted on play areas shown on layout plan and maintained to spec and satisfaction of director of planning and tech services.

On page 12 of review request the last paragraph on drawing of Levan farm says, spacious areas of grassland for general amenity purposes will be provided and a tree planting scheme will be carried out to supplement the many trees retained within scheme.

On page 13 of review request section 3 meets the spec and satisfaction of director of planning and tech services.

Regards

Robert Craig

From: [REDACTED] Redacted: Harry Murdoch email address
To: [Colin MacDonald](#)
Subject: Re: Land at Dunvegan Avenue (adjacent to sub-station), Gourock - Inverclyde Local Review Body
Date: 15 November 2022 06:29:48

In regards to the sub station plot this land has been public open space for 40 years and maintained by the council. Now owner has come forward till now to claim the land. But we are now in the position where the owner is trying to sell on the assumption that because [REDACTED] on the opposite side has been granted planning the precedence has been set I believe [REDACTED] produced evidence at a council meeting to prove the sub station land was in fact open space and [REDACTED] land was set aside for development by a director of Henry boot land on the sub station side is a valued open space which has been stripped of grass and the trees on pretext that Mr donalson owned the land when infact the land is owned by [REDACTED]. I am hoping this land is put back to it original condition as it was left by Henry boot to enhance the estate and part of the reason we bought our houses furthermore we are in misted of climate change which is causing excessive flooding in our area and Inverclyde in general we need as many grassed area as possible to help elevate the impact of climate change .and protect the exciting Home onwers

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: 22/0169/IC
Date: 04 November 2022 19:21:56
Attachments: [image0.jpeg](#)
[image1.jpeg](#)
[image2.jpeg](#)
[image3.jpeg](#)

Dear Mr Macdonald

I will be sending more detailed info but I would like to show you what this land has been left in since the felling and removal of the trees during heavy rain

But with all the grass removed as turf plus 4 x20 ton lorries of earth as well as trees to soak up the water also removed , this is what we are looking at . Footpath is dangerous.

Regards Lynn Perkins



Done

Edit



More







From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Objection to appeal no. 22/0169/1C
Date: 16 November 2022 18:10:30

Dear Sir

I wish to object to the appeal to build a house on the open green space between numbers 34 & 36 Dunvegan Avenue, Gourrock.

In the refusal document, the Reporter commented:(pages 11 & 12) “The public open space in the vicinity of the site is well maintained and contributes to the high quality of amenity There is a pleasing balance in the uniformity of the layout. “ The public open space is a key element to the attraction of this area.

When a residential estate is planned and built, it is designed to fit into the local landscape. Housing styles, road patterns and open spaces are incorporated to enhance the local features and avoid overdevelopment while, protecting the amenity of existing development.

The applicant states that the estate has grown substantially since the first phase of development. The Henry Boot original estate has had very limited growth since it’s conception and has kept its open grassed landscaping which is quite distinct from the later developments further uphill. Piecemeal development in a harmonious housing estate detracts from the overall appearance, quality and amenity of the estate.

The Scottish government’s Planning Advice Note 65: Planning and open space point number 13 states:

« All spaces, **regardless of ownership and accessibility** (i.e. public and private spaces) contribute to the amenity and character of an area and can be taken into account by councils when undertaking their open space audits and strategies. »

The proposed development between 34 and 36 Dunvegan avenue has made local residents poignantly aware of how piecemeal development detracts from the overall harmony of of their surroundings.

Despite the steep sloping nature of the site, this has forever been a favoured play area for young children creating dens, tree swings and sledging in winter when snow closed the roads. The trees which were removed by the applicant are missed by the children and grownups. Indeed one tree was locally called “the singing tree” due to the number of birds that sang from that tree.

The issue questioning the presence of Japanese knotweed was confirmed by a local professional gardener. Indeed this gardener was upset that on clearing the land the Japanese knotweed was strimmed, a method which encourages the propagation of this plant.

As part of the local community we would like to reinstate this open space with trees and grass and other plants to attract biodiversity.

Yours faithfully Helen Smith

Sent from my iPhone

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Further Representations on PLANNING PERMISSION APPLICATION NO 22/0169/IC
Date: 15 November 2022 12:21:27
Attachments: [2022 11 15 Attachment 1 2022 07 24 Comments on Application 22 0169 IC.docx](#)
[2022 11 15 Attachment 2 Appendix 05 - Residents representation on 19th October 2017-547937.pdf](#)
[2022 11 15 Attachment 3 2017 Oct Production 8.17 17 0134 IC- Inverclyde Council Maintenance Plan dated October 2010-307461.pdf](#)
[2022 11 15 Attachment 4 Photographs Open Space with electrical substation opposite numbers 36 to 44 Dunvegan Avenue PA19 1AE.docx](#)
[2022 11 15 Attachment 5 Registers of Scotland extract.docx](#)
[2022 11 15 Attachment 6 Extract from Page 7 of October 2017 Planning Appeal.docx](#)
[2022 11 15 Attachment 7 Copy of Council Letter.docx](#)

Dear Colin, further to the objections I raised when the application for planning permission 22/0169/IC was submitted in July of this year (see attachment 1 Word document dated 24/07/2022), I make the following representations, having read the "Notice of Review Supporting Report 547912" dated 31/10/2022.

I repeat the fact that this area has always been open space since the estate was constructed in 1979.

This is stated clearly in the representation I made in October 2017 which the applicant's architect has included in his appendix 05 (attachment 2 above).

I ask that my comments about suitability of the sub-station open space as a play area not be taken out of context.

It is also shown in October 2010 that this area (as others on the estate) was being maintained correctly by Inverclyde council and accessed by local residents (see attachment 3 above from the 2017 Notice of Review of the Planning Appeal for the land between numbers 34 and 36 Dunvegan Avenue Production 8.17).

Indeed it has been maintained as open space by the Council as recently as 2020.

However, once the applicant had submitted his application for planning permission at the beginning of July, he removed the possibility for the general public to have **continued access to the open space** by clearing the land of turf, trees and shrubs (see photographs in Attachment 4 above), despite protests from the residents of the estate. The way the land has been left since July does not enhance the estate and the run-off is now making the pavement slippery and dangerous for pedestrians (attachment 4).

Here, I refer to point 4 of the objections I made in July -

"4) Page 6 Assessment of flood risk – this land floods regularly with extensive run-off towards the properties across the road when there is high rainfall. The land acted as an infiltration sponge before the turf, trees and shrubs were removed"

Both the planning department and the neighbouring residents were told by the applicant that he had done this to reseed the open space with grass which would be easier to cut! This has not been done at the time of writing.

Having found quite a few "inaccuracies" in the application 22/0169/IC (see my objections in attachment 1), I requested the Title Deeds of the open space from the Registers of Scotland (see attachment 5).

Neither on the 14th August 2022 (date of Registers of Scotland response to my request) nor since earlier in the year (the application for registration made in March 2022 lapsed) did the applicant have the REAL RIGHT of OWNERSHIP of this open space.

I have been told by the case officer from the Planning Department that such an application (not by the owner of the land) is still permitted!

I find this unacceptable and would recommend in the future that the Council verify the Title to land for which planning permission is being requested.

On page 11 of the review document 547912, there is a drawing clearly showing an area of public open space between numbers 34 and 36 Dunvegan Avenue.

According to the review of the refusal of planning permission for this area in October 2017, the land identified as public open space was exchanged

for the land containing the substation (see attachment 6). This clearly indicates that the open space with the substation is "public open space" and was maintained as such by the council.

On page 13 of the review reference is made to the Henry Boot marketing document for the Levan Farm Estate.

No information can be deduced or inferred from this document about the open space round the substation as it does not appear on the document.

I am sure Inverclyde Council can provide the corresponding planning document.

However, the South of Scotland Electricity Board sketch on Page 11 of the review reference clearly illustrates open space with trees round the substation and the undersurface cable way.

This open space, as the council has stated in its refusal of the application clearly falls into the categories defined in Planning Advice Note 65

<https://www.gov.scot/publications/planning-advice-note-pan-65-planning-open-space/pages/5/>

I suggest that Inverclyde Council adopt this open space (and the one on the corner NE of numbers 22 and 24 Dunvegan Avenue) as they intended to do in January 1980 (attachment 7) when Henry Boot had delivered the development and thus preserve the character and amenity of the estate.

Yours Sincerely, Ian Smith

2022 07 Planning Objection Comments 22/0169/IC

1) Page 4 of the application – existing use – this land is public open space and has been since 1979.

See page 7 of 13 of 2017 Appeal Statement Paragraph 4.6 final sentence.

Henry Boot Homes Division in turn exchanged this site with the site to the south-east as an area of public open space. To this day Inverclyde Council adopt and maintain this site accordingly. (See Production 8.17)

2) Page 1 of the application. As the land is public open space, any construction on it would require a change of use contrary to what the applicant indicates.

3) Contrary to the item 'Trees' on page 5 of the Application form there were at least 4 trees on the site when the application was submitted (06/07/2022). These trees are shown clearly in the photos on page 9 of the Planning Statement 536007. They have since been removed and the site stripped bare.

4) Page 6 Assessment of flood risk – this land floods regularly with extensive run-off towards the properties across the road when there is high rainfall. The land acted as an infiltration sponge before the turf, trees and shrubs were removed

5) Page 1 of the application and Page 4 of the Planning Statement mention a two storey home. The Proposed House Plans 536010 show a two and a half storey home

6) Proposed House Elevations 536011 show 13 windows directly overlooking the houses opposite, an unacceptable loss of privacy for those residents.

7) Page 7 of the planning statement aligns the property with existing garages not the existing houses which are aligned farther back from the road. This is not acceptable

8) Proposed location and block plan 56016 – the property is located very close to the Scottish Power substation – the application does not mention the possible effects of EMF (Electro-magnetic fields) on permanent residents

9) 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.

38 Dunvegan Avenue
Gourock
PA19 1AE

19th October 2017

Dear Rona, as per your email dated 9th October 2017, please find below the new representation 

NEW REPRESENTATION

As shown on the attached document, when the Levan Farm Estate was delivered in 1979 the vacant land between 34 and 36 Dunvegan Avenue was designated "public open space". As the text shows it was intended for "general amenity".

The ground was not fenced off and it was regularly maintained by the council for many years.

The land was subsequently sold and fenced off and some considerable time later when the land had become overgrown, permission was sought to build on it (2010).

The permission was refused and I was among the objectors at that time.

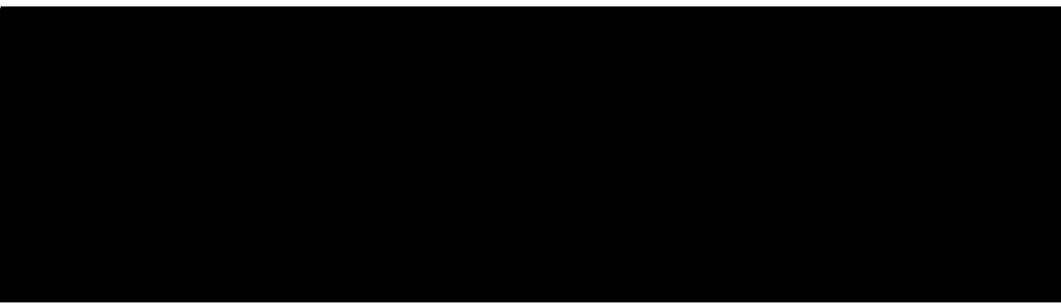
Despite the fence(s) and the overgrown state of the land it is still open space today and thus maintains the overall visual layout and landscaping of Levan Farm estate as shown on the attached document.

Given that permission was refused in 2010 on the grounds that this is open space, I see no reason for it to be given now.

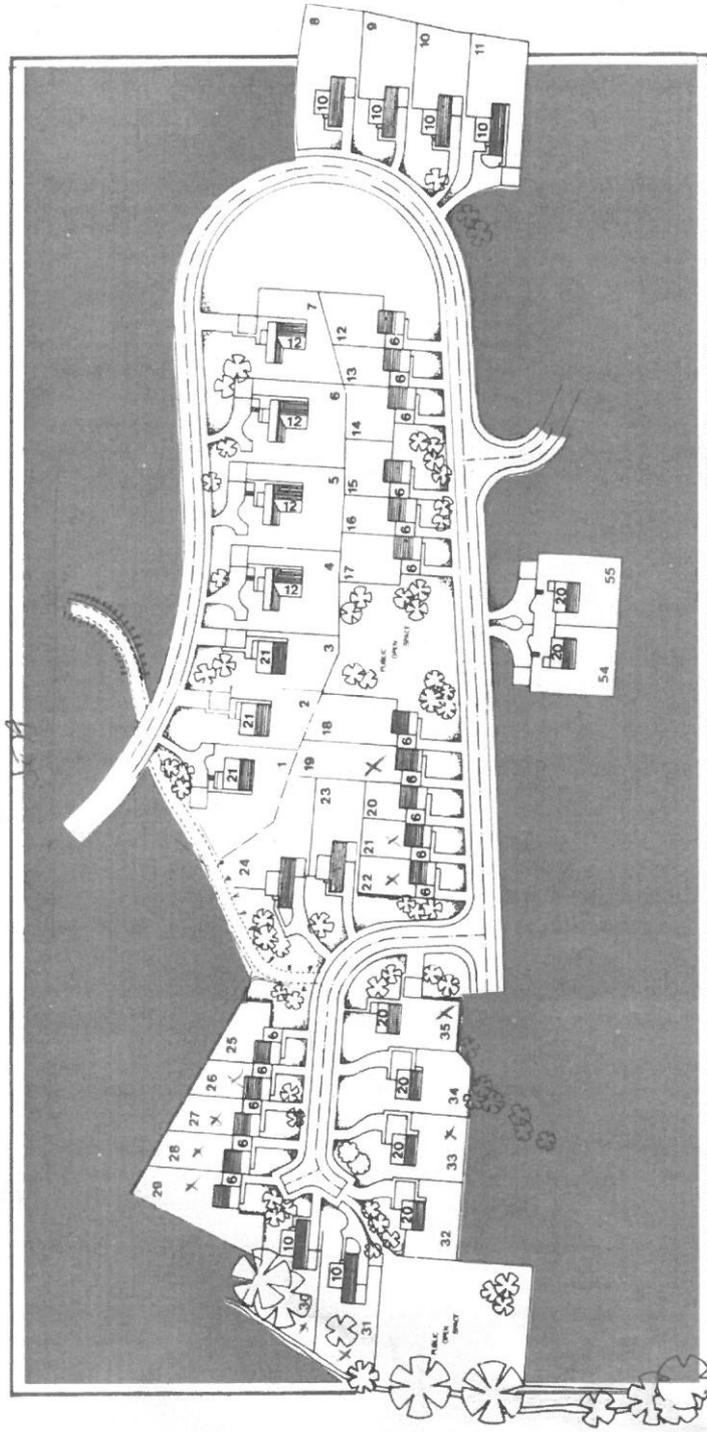
I would also like to point out that, since this area was fenced off, local children, who used to play there safely, now play on the area opposite on which the electricity substation is located. Unlike the land between 34 and 36 Dunvegan Avenue this area is dangerous for children to play in as it slopes towards the road.

Yours sincerely,

Ian R.H. Smith



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.

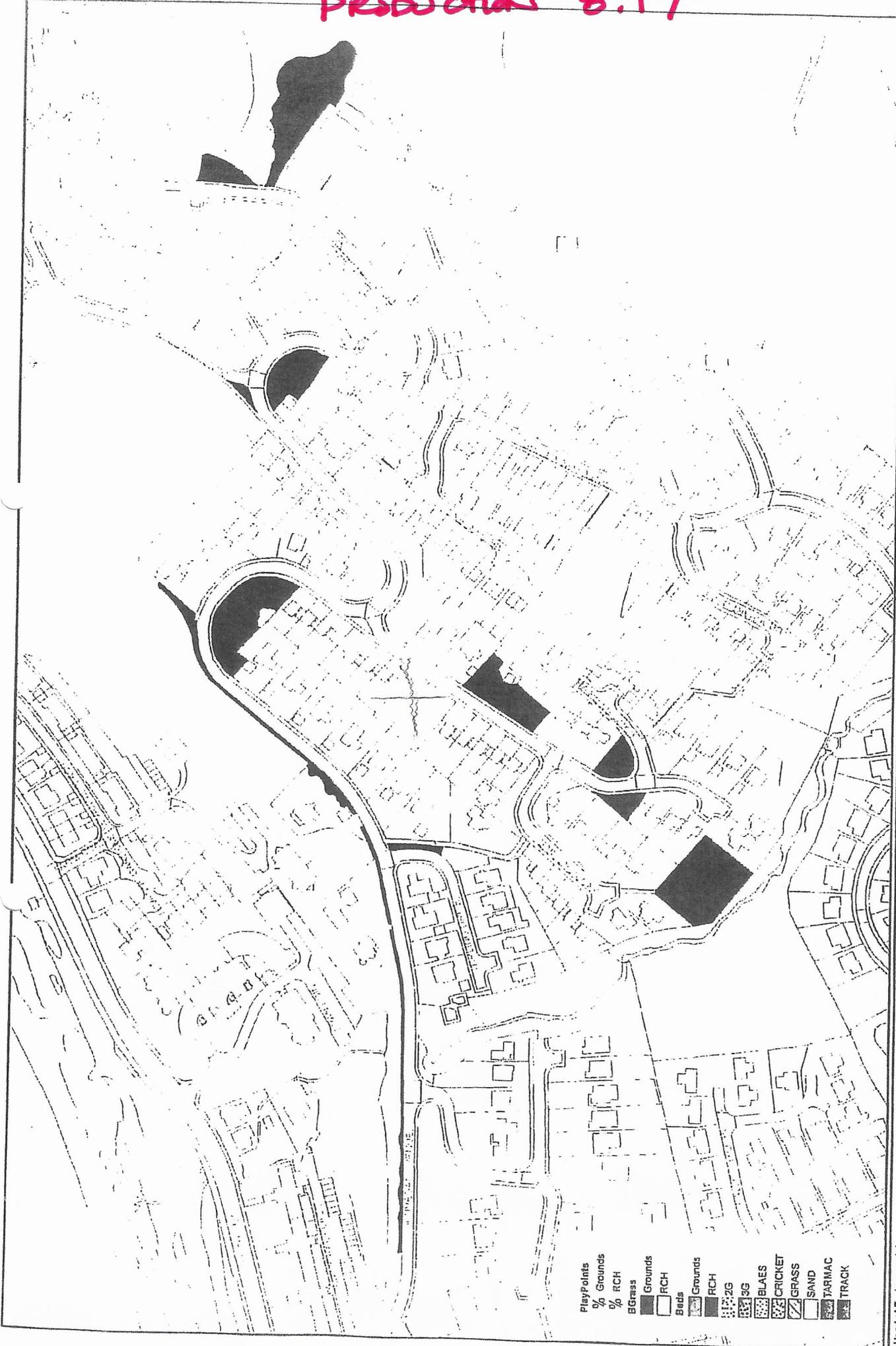
The range includes desirable 3 bedroom split level houses, 3 bedroom bungalows and 4 bedroom executive style houses all with

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.

PRODUCTION 8.17

Levan



- Playpoints
- % Grounds
- % RCH
- BGrass
- Grounds
- RCH
- Beds
- Grounds
- RCH
- 2G
- 3G
- BLAES
- CRICKET
- GRASS
- SAND
- TARMAC
- TRACK

Head of Environmental & Commercial Services
 Alan Barnes
 Ingleston Park, Carlsburn Street
 Greenock PA15 4UE

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 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (100023421) (2009).
 Produced By: Martin Burrows Date: October 2010 Scale: 1:2,500

Attachment 4 – 15/11/2022

Open space with electrical substation opposite numbers 36 to 44 Dunvegan Avenue PA19 1AE
Before Application which was made on 07/07/2022



Removal of turf, shrubs and trees 07/07/22 to 20/07/22



November 2022



2022/11/15 Attachment 5 – Registers of Scotland extract of title information for open space with sub-station – extract on 14/08/2022 (full documents available if required)

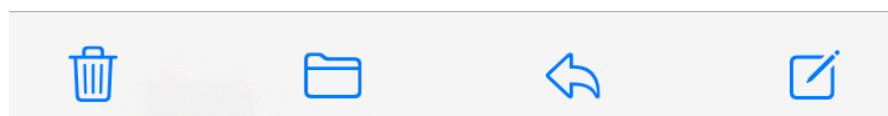


The area outlined blue on the plan attached has been identified as part of subjects that are Land Registered, the title sheet and title plan can be purchased through our ScotLIS Service using this [LINK](#)

Title Number	REN16
Registered Proprietors	[REDACTED]
Date of Registration	25/04/2017
Most Recent Owners' Address*	[REDACTED]

*Please note the purpose of the Land and Sasine Registers is to provide a record of land and property ownership and is not an official record of owners' current contact details. Consequently, we are unable to guarantee whether this address is still correct.

Note – As this search has been classified as non-complex, we have refunded £30 + VAT and this should appear in your account within the next week.



Extract from Page 7 of October 2017 Planning Appeal

- 4.6.1 Inverclyde Council Planning Department's historical record of this site concludes on 22nd January 1980 with the Director of Planning and Technical Services writing to Henry Boot Homes Division stating;

"I refer to your letter of the 9th January 1980 enclosing a copy of a previous letter in connection with the transfer of the open space within the above development to the ownership of the District Council.

To enable these areas to be considered I should be pleased if you would provide us with three colour copies of a drawing showing the exact extent of each area to be transferred." (See Production 8.15)

Unfortunately, the revised layout drawing was not in the Council's historical records otherwise it would have proved categorically that the site between 34 and 36 Dunvegan Avenue was specifically excluded from the transfer of land and financial arrangement from Henry Boot Homes Division to Inverclyde District Council.

Mr Gerry Quigley of J. G. Quigley & Partners who were Architects directly involved in dealing with Inverclyde District Council of behalf of the developer at the time (See Production 8.16), confirmed that the reason the site was excluded from the transfer of land was because Henry Boot Homes Division wished to erect a house for one of its Directors.

Henry Boot Homes Division in turn exchanged this site with the site to the south-east as an area of public open space. To this day Inverclyde Council adopt and maintain this site accordingly. (See Production 8.17)

Production 8.15 in Planning Appeal (land between 34 and 36 Dunvegan Avenue 2017)

Henry B. J. Street Limited,
Rushmore Lane,
Birkdale,
Chesterfield, S41 2TU

Mr. A. Baxter (Gen. 123)
12/12 12/11/12
12/12/12/12/12

12th January, 1980

Dear Sir,

Residential Development at Lovers Park, Gorton

I refer to your letter of the 9th January 1980 enclosing a copy of a previous letter in connection with the transfer of the areas shown within the above development to the ownership of the District Council.

To enable these areas to be considered I should be pleased if you would provide us with three coloured copies of a drawing showing the exact extent of each area to be transferred.

Yours faithfully,

From: [REDACTED]
To: [Colin MacDonald](#)
Subject: Re: Land at Dunvegan Avenue (adjacent to sub-station), Gourrock - Inverclyde Local Review Body
Date: 18 November 2022 20:23:32
Attachments: [L Ack LRB Representations \(22-0169-IC\).pdf](#)
[ATT00001.htm](#)

Reference no: 22/0169/IC

Applicant: Mr Euan Donaldson

Application site address: Land at Dunvegan Avenue (adjacent to sub-station), Gourrock
Proposed detached house

With regards to the proposed house build as above, my objections remain as per my previous objection submission. Nothing has changed.

Whilst the proposed site is not a 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.

I request that Local review body consider the the Local Development Plan (LDP), policy 35 and 36 on pages 42 and 43 respectively in regard to this proposal.

I bought my house 20 years ago, a key attraction to moving to this estate was the open aspects and established green spaces. It was my understanding that all house building was complete. The proposed house is also not in keeping with the surrounding houses. I have major concerns with regard's to the ground being disturbed and spread of the invasive knotweed to my garden, it is known to be present in the land around the substation.

Please also consider my previous detailed objections. I would also request that should the Local review body consider the objections favourably, that the land is returned to its original state (Mr Donaldson has carried out extensive preparation work and tons of soil has been removed from the land (prior to permission being granted)).

Thank you in advance for your consideration of my objection.

Regards,
Susan Stratton

12. SUBMISSION BY ARCHISTARCHI LTD. IN RESPONSE TO FURTHER REPRESENTATIONS

archiSTarchi Ltd
51 Netherplace Road
Newton Mearns
East Renfrewshire
G77 6BU
07840892644

24th November 2022
(issued by e-mail only)

The Head of Legal and Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LY

Planning Application Reference Number: 22/0169/IC (Refusal)
Project: Proposed Detached House
Property Address: Land at Dunvegan Avenue (adjacent to sub-station), Gourock
Category of Development: Local Application Development

With regards to the above noted Planning Application refusal dated 25.10.2022, and further to receipt of your letter dated 21st November 2022 in respect of further representations, on behalf of our client Mr Donaldson and under the TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013, we herby enclose our response by way of return.

We look forward to acknowledgement of receipt of formal response and welcome any discussion moving forward for what is a crucial project for Mr Donaldson and his family.

Yours Sincerely

S Thomson

Stewart Thomson
Director
archiSTarchi Ltd

PLANNING APPEAL (Response to Representations)

Planning Application Reference Number: 22/0169/IC (Refusal)

Project: Proposed Detached House

Property Address: Land at Dunvegan Avenue (adjacent to sub-station), Gourrock

Category of Development: Local Application Development



CONTENTS

- **Item 01 Pages 4-6 – Response to Representations**
 - Overview
 - Representation Responses

- **Item 02 Pages 7-8 - Conclusion**

Item 01 – Response To Representations

Overview

On behalf of Mr Donaldson, we acknowledge the each of the further representations received, our initial comments being the intent of representation process made through the planning appeal is to provide comment relative to the subject matter of appeal. Whilst the opinions of others are rightfully and duly respected the vast majority of the additional representations submitted are items which have already been submitted during the initial Planning process. We would respectfully suggest these items were addressed and duly considered by Inverclyde Council Planning during the original application process.

With regards to the appeals process this is centred around the Refusal of Planning Permission being fundamentally due to our Client's site being designated as "open space" which we have proven under Scots law, our original planning submission including legal documentation not to mention the information from past planning applications, the land is privately owned by Mr Donaldson and has always been in private ownership.

In respect The reasons for Planning refusal being Public Open Space, our initial appeal submission comments, documentation and supporting information remain the same.

In order to remain consistent in our approach we shall address the representations points head on as requested by our Client.

Representation by R. Craig

The homeowner has raised a few points in their statement which do not consider the proposal on balance.

The design of this family home has been sympathetically prepared accounting for neighbours, which may have been perhaps misunderstood.

In our view we had correctly identified the front door and understand the kitchen is located next to the decking at the other end of R Craigs home therefore we find it difficult to understand how this could be interpreted as a kitchen door although it is not for us to comment further.

We do confirm that at the location of windows to 7 Culzean Drive would have an outlook to the Clyde although it is not panoramic as suggested due to the building shape.

Where windows are located, our proposed house is actually lowered to a single storey below the sightlines of the neighbouring property to the rear. This is confirmed in drawings submitted during the planning process and was absolutely a consideration during the design process in order to be respectful to the neighbouring properties.

At the elevation where there is a complete lack of windows, that is where the main element of our proposed house is located which would not disturb sightlines of the Clyde in any notable way. We would also note this was acknowledged in the Report of Handling but not considered material in planning terms.

Representation by H. Murdoch

The statements made shares a view on the history without considered the facts presented. This has never been tangible records presented at any time that our Client's site was "open space" as defined under Scots law. Extensive research was carried out before our Client purchased the site alongside the pre-planning stage process early 2022.

Representation by L. Perkins

No relevant information on this Appeal has been shared therefore we shall not comment on this further.

Representation by H. Smith / I. Smith

The balance of comments provided were addressed and discounted to the Report of Handling and in the interest of brevity we shall not continue provide a platform for those statements.

Our preference is to trust the opinion of a licenced Japanese knotweed surveyor who confirmed findings in a report confirming no presence within the site boundary.

The findings of no Japanese knotweed in our Client's site have also been concurred by Redrow Homes who own the derelict site to the rear and commissioned an independent survey. They are now putting in place preventative measures to the long-term benefit of at least two of the representees as a result of our Client's positive intervention.

Challenges of land ownership were raised a few months' prior by the Planning Officer and all information was shared with Inverclyde Council that our Client privately owned the land since early 2022.

We would confirm that the General Register of Sasines is not appropriate to establish

current land ownership and that the history title in favour of SSEN identifies across the road as "Open Space" but very clearly not our Client's site.

No exchange of "public open space" ever took place and there are no records to substantiate such an absurd claim with no substantiation. We would respectfully remind the Local Review Body that this statement was a matter of opinion from an Architect following a protracted 7 years planning process for another planning application which holds no weight.

We would respectfully note that the second representation confirms toward the end, that the land was never adopted by Inverclyde Council and has always been in private ownership. This re-affirms our position.

Representation S. Stratton

Reference is made to an unchanged position, therefore no further information shared that has not been considered in the Report of handling.

Many of the comments referred to children's play areas, comments of which again have been addressed by the due process of formal Planning application however to offer comment.

In terms of public open space the locale has a vast area of wooded and open spaces of some 4.6 acres not a 5 minute walk away from the site which is protected under the Local Plan not to mention with a TPO. It has also come to our attention of a possible local and perhaps community purchase of a landlocked site between Dunvegan Avenue and Brodick Drive bordered by Levan Burn, which if true adds positively the vast public open and indeed protected space already available.

We would suggest Mr Donaldsons site, particularly with the topography, an electric substation and close proximity to the main road is not and never has been an appropriate site for a children's play, when certainly, the open space sites in the immediate vicinity offer a safer and better play and learning environment for children. Undoubtedly the site noted prior at Levan Burn is more appropriate, away from traffic and a safe space for children to play.

02 - In Conclusion

We reaffirm The main challenge our Client has faced for granting a favourable opinion on this site during Pre-Planning before we submitted Planning Permission, has always been the labelling of "Open Space" toward this site.

Within the Decision Notice for Refusal of Planning Permission all three points refer to the "loss of open space" as the deciding factor for the refusal:

1. The proposed development results 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 surrounding residential area and is therefore contrary to Policy 35 of the adopted Inverclyde Local Development Plan and Policies 20 and 36 of the proposed Inverclyde Local Development Plan. There are no material planning considerations that outweigh the terms of these policies to allow approval of the proposed development.
2. The proposed development results 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 surrounding residential area and therefore cannot be considered to be the right development in the right place as required by Scottish Planning Policy 2014.
3. The proposed development results in the loss of open space which contributes to the amenity, character, appearance and distinctive urban form of the surrounding residential area. The loss of this open space therefore cannot be considered meet the quality being "Distinctive" under Policy 1 of both the adopted and proposed Local Development Plans.

This challenge was also encountered when the Applicant of land between 34 and 36 Dunvegan Avenue (Ref. 17/0134/IC) was refused planning permission on the matter of "Open Space" and appealed to the Local Review Board and was granted permission subject to conditions on 22nd February 2018. There is good precedence evident in the locale

In contrast to that planning application, our Client has the benefit of owning a site that was never designated as "Public Open Space" on any historic records we have available nor formed part of a historic planning permission for the original development (Ref. IC/77/115)

At no point since 1977 has the site been formally laid out as an area of 'Public Open Space' nor as a children's play area. The site has always been an area of vacant land in private ownership with the general public having absolutely no legal rights to enter on to the land for the reasons previously stated within this appeals document.

We are of the opinion that the original Historical assessment of the sites within the local area, in particular the site adjacent across the road which was initially refused under the auspices of 'Public Open Space' has set an unfortunate precedent in the area when some of these spaces are clearly otherwise.

We therefore believe that the original assessment is inconsistent and as such ask that you consider our application to appeal the refusal of planning permission by Inverclyde Council on merit and without historical bias.

We would hope given our explanations above you will consider our appeal favourably

**13. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

22/0169/IC - Review - Suggested conditions

Should planning permission be granted on review the following conditions are suggested.

1. The development to which this permission relates must have commenced within 3 years from the date of this permission.
2. Development shall not commence until samples of materials to be used on all external surfaces of the dwellinghouse and hard surfaces within the site have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
3. For the avoidance of doubt the windows on the rear roof slope of the house (in the attic level) as shown on drawing P-P-0-501-A do not form part of this permission. Development shall not commence until plans/elevations showing the deletion of these windows or alternative window designs/positions on the rear roof slope have been submitted to and approved in writing by the Planning Authority. Following approval of the amended plans there shall be no further alterations to amend the installed windows or to install additional windows on the rear roof slope (at the attic level) unless planning permission has been granted.
4. Development shall not commence until details and location of all walls (including retaining walls) and fences to be erected on the site have been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved details.
5. Development shall not commence until details of the proposed landscaping and planting at the site have been submitted to and approved in writing by the Planning Authority. Following approval the landscaping and planting shall be implemented in the first planting season following completion of the dwellinghouse. Maintenance of the landscaping and planting shall be carried out for a period of five years. Any trees, shrubs or areas of grass which die, are removed, damaged or diseased within 5 years of the completion of the landscaping and planting shall be replaced in the next planting season with others of a similar size and species.
6. For the avoidance of doubt the minimum dimensions of the driveway shall be 3m wide by 6.0m long per parking space and there shall also be a minimum of 0.9m path past these parking spaces where the driveway forms part of the pedestrian access to the property.
7. For the avoidance of doubt the driveway to be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road and the driveway gradient shall not exceed 10%.
8. For the avoidance of doubt visibility splays of 2.4m x 20.0m x 1.05m shall be provided and maintained at all times at the access point of the driveway with Dunvegan Avenue.
9. Development shall not commence until the proposed surface water drainage in the site has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the surface water discharge rate to the public system shall be limited to that of greenfield run-off.
10. Prior to the commencement of development, confirmation of connection to Scottish Water's Network shall be submitted to and approved in writing by the Planning Authority.
11. Prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented.

Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.

12. For the avoidance of doubt the dwellinghouse 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 (rising to at least 20% by the end of 2022). Development shall not commence until the details been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in the dwellinghouse. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the occupation of the dwellinghouse.
13. For the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority relating to the proposed Electric Vehicle Charging Point. Thereafter the approved details shall be implemented in their approved form before the first occupation of the dwellinghouse.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure the development is acceptable in appearance.
3. In the interests of privacy.
4. To ensure any walls and fences are acceptable in appearance.
5. To ensure the landscaping and planting is acceptable.
6. In the interests of roads safety.
7. In the interests of roads safety.
8. In the interests of roads safety and to enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit.
9. To ensure the surface water drainage is acceptable.
10. To ensure Scottish Water's acceptance of the drainage regime for the application site and in the interests of the provision of a satisfactory drainage regime.
11. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
12. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
13. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.