

Ref: CM

Date: 21 February 2023

A meeting of the Planning Board will be held on Wednesday 1 March 2023 at 3pm.

Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Tuesday 28 February 2023 how they intend to access the meeting.

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

Information relating to the recording of meetings can be found at the end of this notice.

IAIN STRACHAN
Head of Legal & Democratic Services

BUSINESS

****Copy to follow**

1.	Apologies, Substitutions and Declarations of Interest	Page
2.	Planning Applications Report by Director, Environment & Regeneration on applications for planning permission as follows:	
(a)	Advance Construction (GD) Limited Amendment to condition 4 of Planning Permission in Principle 20/0021/IC for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage to increase the number of permitted residential dwellings from 270 to 450 (Section 42 application): Land at Former IBM Site Spango Valley, Inverkip Road, Greenock (22/0225/IC)	p
(b)	CCG Homes Limited Residential development comprising 30 units, associated landscaping, access and other ancillary works: Site of Former Greenock Academy, Madeira Street, Greenock (22/0234/IC)	p
(c)	Mr Terry Hamilton Proposed installation of French doors and footpath connecting new doors to existing patio: 1 Levan Point, Gourrock (22/0280/IC)	p
3.	Planning Appeals Report by Director Environment & Regeneration intimating the outcome of a planning appeal at land west of Quarry Drive, Kilmacolm (20/0245/IC)	p

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

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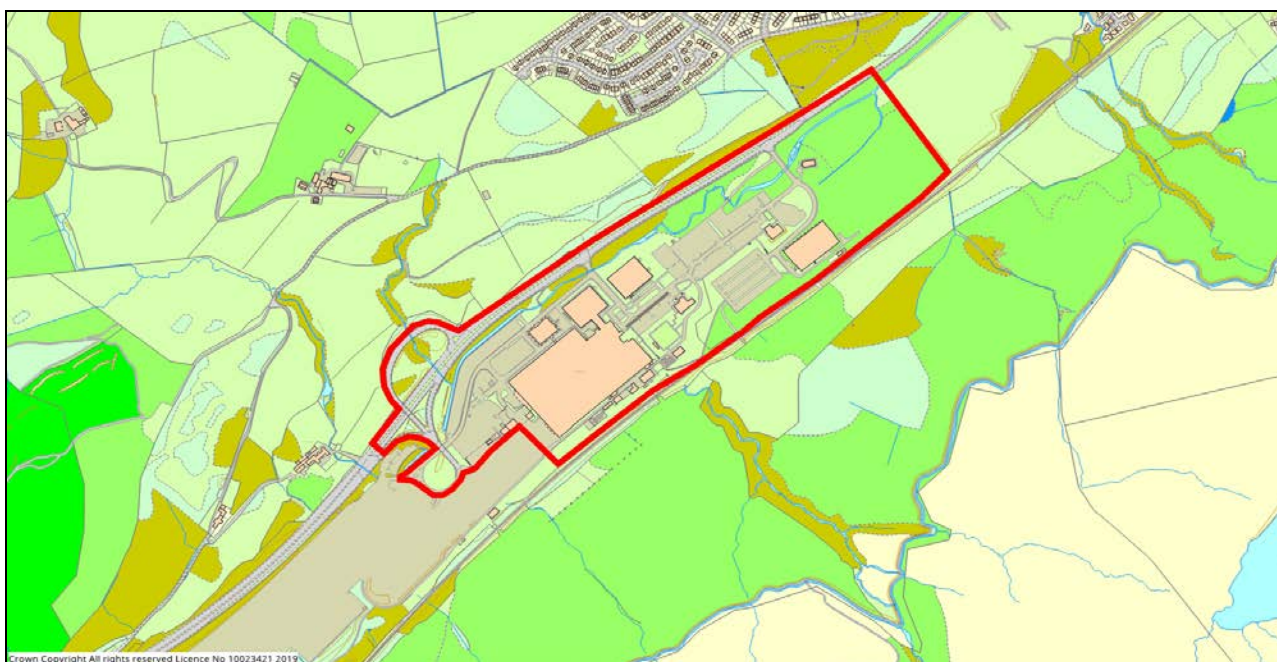
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Enquiries to – **Colin MacDonald** – Tel 01475 712113

Report To:	The Planning Board	Date:	1 March 2023
Report By:	Director, Environment and Regeneration	Report No:	22/0225/IC
			Major Application Development
Contact Officer:	Sean Mc Daid	Contact No:	01475 712412
Subject:	Amendment to condition 4 of Planning Permission in Principle 20/0021/IC for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage to increase the number of permitted residential dwellings from 270 to 450 (Section 42 application) at Land at former IBM Site, Spango Valley, Inverkip Road, Greenock		



SUMMARY

- The proposal presents no conflict with National Planning Framework 4.
- The proposal is a departure from the adopted Inverclyde Local Development Plan and the proposed Inverclyde Local Development Plan.
- No objections have been received.
- The consultation responses present no impediment to development and the amendment sought in the Section 42 application.
- The recommendation is to **GRANT PLANNING PERMISSION IN PRINCIPLE SUBJECT TO CONDITIONS.**

Drawings may be viewed at: [22/0225/IC | Amendment to condition 4 of Planning Permission in Principle 20/0021/IC for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage to increase the number of permitted residential dwellings from 270 to 450 \(Section 42 application\) | Land At Former IBM Site Spango Valley Inverkip Road Greenock \(inverclyde.gov.uk\)](#)

BACKGROUND

Planning permission in principle 20/0021/IC was granted subject to conditions by the Planning Board on 8th March 2022 for a proposed mixed-use development comprising residential, industrial/business use, retail & leisure use and park & ride with associated roads infrastructure, access, open space, landscaping and drainage at the application site.

SITE HISTORY AND DESCRIPTION

Extending to approximately 32.4 hectares, the application site comprises part of a larger brownfield redevelopment site together with adjacent roads infrastructure within Spango Valley, which is situated to the south-west side of Greenock. The site formerly comprised a factory operated by IBM, originally opening in the 1950s. The company continued to evolve and expand along the valley through the 1960s, 1970s and 1980s, and was a major employment generator in the manufacture of IBM computers. The site was self-contained within Spango Valley and stood apart from the adjoining settlement. Operations began to decline from the late 1990s as they were relocated to other locations across the globe, and the factory was subsequently closed. IBM retain a presence in Greenock with a client centre within the Pottery Street Business Park.

Since closure, the IBM facility has been demolished and the site cleared, with the final call centre building being demolished in the second half of 2020. Former roads and parking infrastructure, together with the platform bases of the former buildings are still evident on the site, with large expanses of hardstanding. The site is accessed via the A78 Trunk Road (Inverkip Road), with the principal access being via a grade separated junction which is within a largely central position relative to the wider former industrial site. The junction is located within the application site and positioned to the south-western end of the site with an additional at grade access lying to the north-west providing a left turn in and left turn out of the site to the dual carriageway. A third access with left turn in only from the southbound side of the dual carriageway is also found within the central part of the application site. The three accesses are currently closed although vehicular access is available to the site via the gates at the north-western access. The A78 runs parallel to the northern boundary of the site and the Glasgow Central to Wemyss Bay railway line runs parallel to the southern boundary, inclusive of the former IBM railway station which served the factory. No services currently call at the station, the only access to which is through the application site.

The Spango Burn runs through a deciduous tree lined corridor within the northern part of the site adjacent to the road, flowing north-east to south-west. For the main part, the site is largely flat with, as noted above, large areas of hardstanding remaining from the former buildings and car parking areas together with rough ground. With the exception of some incidental planting remaining from the former site layout, trees and vegetation are largely found to the periphery of the site including adjacent to the road. To the south-eastern boundary, the ground rises up notably towards the railway and to the north-western part of the site the ground rises up towards the grade separated junction.

To the south-east of the site, the ground rises steeply beyond the railway line and forms a rugged hillside within the Clyde Muirshiel Regional Park. To the north-west, beyond the A78, the ground again rises and takes the form of open countryside and agricultural grazing land.. Existing residential developments at Flatterton and Braeside lie beyond adjacent land to the north of the A78 and overlook the site from an elevated position. The remaining part of the former computer factory site adjoins to the south-west and is under separate ownership. To the north-east lies the site of the

former Greenock High School which has been identified as a potential site for a new prison, with planning permission in principle being previously granted. This site is accessed independently of the former IBM site.

The wider brownfield sites at Spango Valley, inclusive of the former High School site, are identified as a “Priority Place” within both the 2019 adopted Inverclyde Local Development Plan and 2021 proposed Inverclyde Local Development Plan.

SECTION 42 APPLICATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for a development but with different conditions from those attached to the previous permission for that development. The effect of granting permission for a section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. It should be noted that the previous permission remains unaltered by, and is not varied by, the decision on a Section 42 application.

The advice from the Scottish Government (contained in Annex H of Circular 3/2022 – Development Management Procedures) is that in determining Section 42 applications, planning authorities may only consider the issue of the conditions to be attached to any resulting permission. However, in some cases this does not preclude the consideration of the overall effect of granting a new planning permission, primarily where the previous permission has lapsed or is incapable of being implemented. The advice goes on to indicate that where it is considered that permission should be granted subject to different conditions or no conditions, a new permission should be granted and all conditions attached. If it is considered that planning permission should be granted subject to the same conditions as the previous permission, the advice indicates that the Section 42 application should be refused. The making, granting, or refusal of a Section 42 application does not alter or affect the previous permission or its conditions. If a Section 42 application is approved the advice is that planning authorities should attach to the new permission all of those conditions from the previous permission where it is intended these should apply.

PROPOSAL

Condition 4 of planning permission in principle 20/0021/IC states:

The maximum number of dwellinghouses across the site shall not exceed 270. For the purposes of this number, dwellinghouses include flatted dwellinghouses.

Reason: This figure represents a pro-rata provision of the dwellings by area within the Spango Valley Priority Place identified by the adopted and proposed Inverclyde Local Development Plans, based on an acceptable level of development in terms of tested and available capacity by Transport Scotland and the Council as Education Authority.

This Section 42 application is to amend Condition 4 to allow the number of permitted residential dwellings to be increased to 450. The applicant has suggested Condition 4 should state:

The maximum number of dwellinghouses across the site shall not exceed 450. For the purposes of this number, dwellinghouses include flatted dwellinghouses.

The Section 42 application for planning permission in principle relates to the same development as under 20/0021/IC which is a proposed mixed-use development comprising residential, industrial and business uses, retail and leisure uses and a park and ride facility with associated roads infrastructure, access, open space, landscaping and drainage. The applicant has submitted various indicative details including an indicative site layout masterplan together with the access points to the site, possible road hierarchies, pedestrian and cycle routes and a suggested drainage layout. A land use plan indicating likely developed areas together with landscaping and open space has also been

submitted. Indicative building heights are also set out. It is indicated by the applicant that the masterplan does not preclude alternative layouts.

In terms of completeness the indicated development in principle is as follows. The redevelopment of the site is to be residential led, with the residential development area extending to up to 8.7 hectares. It is indicated that a range of house types will be provided and these will primarily be up to 2.5 storeys, with buildings up to 4 storeys at key locations within the central part of the site. The applicant indicates the development could provide up to 450 dwellings which are to be located across the site with the highest density in the central area. A mix of detached (15%), semi-detached (24%), terrace (25%), townhouses (18%) and flatted units (18%) are indicated. It is also indicated that 25% affordable housing is to be provided.

A phasing plan has been submitted that indicates the housing is to be constructed in six phases over a period of ten years. Construction is indicated on this plan as starting at the south-west part of the application site and then continuing in a north-east direction. The phasing plan indicates a lower housing provision of 360 homes and an upper provision of 450 homes. The applicant's agent has indicated the lower figure of 360 homes assumes a lower average density of circa 30 dwellings per hectare, while the upper figure of 450 homes assumes a realistic market delivery density of circa 37.5 dwellings per hectare. The phases with flatted units are to have a higher density.

The development will also include up to 0.4 hectares of mixed use floor space provided within a new Local Centre positioned within the centre of the application site. This is to comprise retail, financial and professional, and food and drink uses (use classes 1, 2 and 3) at ground floor level with residential floorspace above. Up to a further 0.2 hectares of leisure and community use floor space is also to be provided within the new local centre. To the north-east part of the site, up to 3.4 hectares of employment floorspace (use classes 4, 5 and 6) is to be provided. The suggested heights of these buildings are indicated to range from up to 11 metres (equivalent to just under 3 storeys) and 15 metres (equivalent to just under 4 storeys).

The phasing plan indicates the commercial parts of the development are to be constructed in Phase 3 (years 5 to 6) and Phase 4 (years 7 to 8). Leisure space is also to be in Phase 4. Park & Ride infrastructure is to be constructed in Phase 2 (years 2 to 4) and employment space indicated to be in Phase 7 (years 1 to 10).

Overall, it is indicated that circa 25% of the developable area is to be for employment uses and circa 66% of the developable area for residential.

It is indicated by the applicant that the scale of the proposed development will be in keeping with the surrounding context and will not comprise any tall buildings or commercial buildings which will be greater in scale or height than those which exist in the vicinity of the site. It is indicated that the development is to be based around distinct character areas with a range of building styles, colours and finishing materials outlined in the supporting documentation to set out how a possible development might proceed and the form it might take. Examples from which the development may take design cues are also highlighted.

The development is indicated as including extensive areas of open space including SUDS provision within the site, totalling up to 14 hectares. As part of this provision it is proposed to form an extensive area of open space parkland located along the line of the Spango Burn to the north of the site and the Hole of Spango which passes through the centre of the site. It is indicated that extensive green corridors will also be provided both north to south and east to west. The open space proposals are indicated to include the retention and management of existing trees, woodland and hedgerows. Existing culverted watercourses are also to be daylighted to create new watercourse features and restore habitat and amenity value. Remediation for ground contamination will also form part of any proposal.

Two vehicular access points to the site are indicated, one utilising the existing grade separated junction and a second at grade junction. Within the site, the primary access route is to be through

the centre of the site. It is indicated that new pedestrian and cycle routes are to connect to the core path network to the north and south. It is indicated that the proposed development proposals is to provide a clear and legible street hierarchy and give pedestrians and cyclists priority over motor vehicles. The potential to reopen the former IBM railway station is set out by the applicant with a park and ride facility proposed as part of the development. Provision is also made for a potential bus route through the site.

The Section 42 application has been accompanied with a Supporting Planning Statement (September 2022), a Financial Viability Report (September 2022), a Market Review Report (July 2022), and a Design and Access Statement (February 2020).

DEVELOPMENT PLAN POLICIES

National Planning Framework 4

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;

- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 9

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 13

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
- ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy 15

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

Policy 22

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.

c) Development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- iii. seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy 26

- a) Development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.
- b) Development proposals for home working, live-work units and micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses.
- c) Development proposals for business and industry uses will be supported where they are compatible with the primary business function of the area. Other employment uses will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- d) Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:
 - i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
 - ii. The nature and scale of the activity will be compatible with the surrounding area.
- e) Development proposals for business and industry will take into account:
 - i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;
 - ii. The need for appropriate site restoration at the end of a period of commercial use.
- f) Major developments for manufacturing or industry will be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions from the process are appropriately abated. The strategy may include carbon capture and storage.

Adopted 2019 Inverclyde Local Development Plan

It should be noted that the policies listed below have been included in terms of completeness and are the same as those listed in the Planning Board Report for 20/0021/IC.

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 3 - Priority Places

The Council will support comprehensive redevelopment proposals for the Priority Places where these are in line with the preferred strategy set out in Schedule 2 and the development frameworks set out in the Priority Places Supplementary Guidance.

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.

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.

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 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.

Policy 14 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) of an existing use, which is within the curtilage of the associated use and is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location.

Policy 16 - Contaminated Land

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

Policy 22 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 26 - Business and Industrial Development Opportunities

Business, industrial, and storage or distribution uses (Class 4, 5 and 6) on the sites listed in Schedule 9 and shown on the Proposals Map, will be supported.

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ.

Policy 33 - Biodiversity and Geodiversity

Natura 2000 sites

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

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

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

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

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of

protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

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

Local Landscape Area

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

Non-designated sites

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

Policy 34 - Trees, Woodland and Forestry

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

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

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

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.

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.

Policy 39 - Water Environment

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- a) supporting the strategies and actions of the national and regional marine plans, and supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- b) minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- c) the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;
- d) avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements;
- e) maintaining or improving waterside and water-based habitats; and
- f) providing access to the water and waterside, where appropriate.

PROPOSED DEVELOPMENT PLAN POLICIES

Proposed 2021 Inverclyde Local Development Plan

It should be noted that the policies listed below have been included in terms of completeness and are the same as those listed in the Planning Board Report for 20/0021/IC.

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 3 - Priority Places

The Council will support redevelopment proposals for the Priority Places where these are in line with the preferred strategy set out in Schedule 2 and the development frameworks set out in the Priority Places Supplementary Guidance.

Policy 5 - Heat Networks

Major Developments will be required to meet heat demand through a district heating network or other low-carbon alternative, unless the application is accompanied by an energy statement clearly demonstrating that this is not feasible. 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.

Policy 6 – Low and Zero Carbon Generating Technology

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

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

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

Policy 9 – Managing Flood Risk

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

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

Policy 10 – Surface and Waste Water Drainage

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

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents. Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

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

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

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

Policy 11 – Promoting Sustainable and Active Travel

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

- a) 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
- 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 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 13 - 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.

Policy 15 - Green Belt and Countryside

Development in the Green Belt and Countryside will only be permitted if it is appropriately designed, located, and landscaped, and is associated with:

- a) agriculture, horticulture, woodland or forestry;
- b) a tourism or recreational use that requires a countryside location;
- c) infrastructure with a specific locational need;
- d) the appropriate re-use of a redundant stone or brick building, the retention of which is desirable for its historic interest or architectural character, subject to that interest or character being retained; or
- e) intensification (including extensions and outbuildings) within the curtilage of an existing use, which is of an appropriate scale and form.

Proposals associated with the uses set out in criteria a)-c) must provide justification as to why the development is required at the proposed location. Proposals in the green belt must not undermine the objectives of the green belt as set out in Scottish Planning Policy and the Clydeplan Strategic Development Plan. Non-conforming uses will only be considered favourably in exceptional or mitigating circumstances.

Policy 17 – Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

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 21 - Wheelchair accessible housing

The Council will seek the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. Developers will be required to demonstrate that they have considered the demand for and provision of wheelchair accessible housing if they are seeking an exemption from this requirement.

Policy 23 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 5 are within the network of town and local centres identified in Schedule 6. Proposals which accord with the role and function of the network of centres as set out in Schedule 6 and the opportunities identified in Schedule 7 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and

- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

Policy 26 - Business and Industrial Development Opportunities

Business, industrial, and storage or distribution uses (Class 4, 5 and 6) on the sites listed in Schedule 8 and shown on the Proposals Map, will be supported.

Policy 31 - Scheduled Monuments and Archaeological Sites

Development that would potentially have an adverse effect on a Scheduled Monument or the integrity of its setting will only be permitted in exceptional circumstances.

Development affecting archaeological sites should seek to preserve the archaeological resource in situ. Where this is not possible, the developer will be required to fully record the archaeological resource for archiving, prior to development commencing.

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 34 - Landscape

The siting and design of development should take account of local landscape character and setting in order to conserve, enhance and /or restore landscape character and distinctiveness. Development should aim to conserve those features that contribute to local distinctiveness including:

- a) the setting of buildings and settlements within the landscape
- b) the pattern of woodlands, fields, hedgerows and trees; especially where they define/ create a positive settlement/ urban edge
- c) the character and distinct qualities of river corridors
- d) historic landscapes
- e) topographic features, including important/ prominent views, vistas and panoramas

When assessing development proposals likely to have a significant impact on the landscape, the guidance contained in the Glasgow and Clyde Valley Landscape Character Assessment will be taken into account.

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special landscape qualities 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 amended to avoid or mitigate these impacts through being informed by a landscape and visual impact assessment.

Policy 35 – Trees, Woodland and Forestry

The Council supports the retention of trees, including 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; or
- 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.

Proposals for new forestry/woodland planting will be assessed with regard to the policies of this Plan and the Forestry and Woodland Strategy for the Glasgow City Region

Policy 36 – Safeguarding Green Infrastructure

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

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

Outdoor sports facilities will be safeguarded from development except where:

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

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

Policy 37 – Delivering Green Infrastructure through New Development

Green infrastructure provision should be informed by an appraisal of the existing natural features and eco systems services on and in close proximity to the proposed development site and fully incorporated into the wider design process at an early stage, in line with the approach to be set out in the Supplementary Guidance on Green Infrastructure.

Development proposals are required to provide open space in line with the standards to be set out in Supplementary Guidance on Green Infrastructure. The Supplementary Guidance will also set out circumstances under which off-site provision or a developer contribution towards green infrastructure will be provided.

Where opportunities exist, development proposals will be required to provide new paths linking to the active travel network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

Development proposals are required to demonstrate how naturalised features will be incorporated into SuDS provision, in order to provide additional benefits such as habitat creation and open space. Where a Suds proposal forms part of open space provision, it should be made safe and accessible.

The Supplementary Guidance on Green Infrastructure will set out how biodiversity enhancement can be incorporated into new developments, and the circumstances in which provision will be expected.

Green infrastructure proposals should be supported by information on how long term management will be achieved, including maintenance requirements, who will be responsible for meeting these requirements, and how they will be funded.

Policy 39 - Water Environment

Development proposals affecting the water environment will be required to safeguard and improve water quality and the enjoyment of the water environment by:

- a) supporting the strategies and actions of the national and regional marine plans, and supporting the objectives and actions of the River Basin Management Plan for Scotland and the Clyde Area Management Plan, where applicable;
- b) minimising adverse impacts on, or improving, water quality, flow rate, morphology, riparian habitat and groundwater dependent terrestrial ecosystems;
- c) the removal of existing culverts. This will be a requirement on development sites, unless it can be clearly demonstrated as not practical or resulting in the development not being viable;
- d) avoiding the hard engineering and culverting of waterways and the building over of existing culverts in new developments unless clearly demonstrated to be essential. Where culverts are required, they should be designed to maintain existing flow conditions and aquatic life, with long term maintenance arrangements;

- e) maintaining or improving waterside and water-based habitats; and
- f) providing appropriately sized buffer strips between development and watercourses, in line with SEPA guidance, and providing access to the water and waterside, where appropriate.

CONSULTATIONS

Scottish Environment Protection Agency – advises of no objection to this application, provided that: no development occurs in the functional floodplain, as described in the Flood Risk Assessment for the original application (20/0021/IC); and flood risk is reviewed when detailed design submissions are made, as per the conditions of the original planning permission.

Transport Scotland – Does not propose to advise against the granting of permission.

NatureScot – Does not intend to offer formal comment on this proposal.

Inverclyde Council Education Services – Advises the development is within the catchment of St Columba's High School, which is currently experiencing some capacity pressure. However based on currently available information the assessment of Education Services is that the school estate will be able to accommodate additional pupils from this development in the future.

Head of Service - Roads and Transportation – Advises on a range of points including the requirement for various aspects of the development to comply with the requirements of the National Roads Development Guide. The Flood Risk Assessment and Drainage Strategy are acceptable in principle however mitigation measures of how to prevent and limit the flood risk should be included in an updated Flood Risk Assessment detailed drainage drawings will have to be submitted for approval at the detailed planning stage.

Head of Public Protection and Covid Recovery – No comments to make on Food & Health and Air Quality. Recommends conditions in relation to: Japanese Knotweed, Environmental Investigation and Risk Assessment; a Material Management and Verification Plan; Noise and Sound Insulation.

It is also advised in terms of Public Health & Housing that Inverclyde Council's current affordable housing policy is only applicable to greenfield housing sites in villages in Inverclyde. As such there is no requirement to provide affordable housing at Spango Valley. However for a development of this size it is recommended that developers engage in early discussions with the Council's Housing Strategy Team to determine an appropriate tenure mix to ensure a cohesive, sustainable new community.

Reference is also made to Policy 21 in the Local Development Plan and early discussions with the Council's Housing Strategy Team is recommended to consider specification and location of wheelchair housing on site.

Network Rail - No objections and requests that the following matters are taken into account, and if necessary and appropriate included as advisory notes, if granting the application:

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all changes in ground levels, laying of foundations/piling works, and operation of mechanical plant including the use of tower cranes in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Strathclyde Partnership for Transport – Advises that they consider the consultation responses to the previous application remain relevant to the current application. The matters relating to active and sustainable travel were previously dealt with through conditions, specifically conditions 50-55, 58 and 67 of planning permission 20/0021/IC and these conditions should apply if consent for this application be granted. Advises they should be consulted with regards and sustainable travel strategy and the public transport strategy and therefore should be noted within the relevant conditions.

PUBLICITY

The application was advertised in the Greenock Telegraph on 30th September 2022 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

A representation was received supporting the application in principle subject to ensuring proper upgrades to the road network at the location and to account for the impact created by the development further afield in Greenock/Inverkip. Also indicates it would also be beneficial to consider integrated Active Travel within the development and extend and link to a wider network.

ASSESSMENT

Although this is a Section 42 application it should be noted that this is a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area exceeds 2 hectares.

The proposal as applied for under 20/0021/IC was assessed against the relevant development plan policies and material planning considerations including the National Planning Framework 3 (NPF3), Scottish Planning Policy (SPP), the 2017 Clydeplan Strategic Development Plan (Clydeplan), the adopted 2019 Inverclyde Local Development Plan (LDP) and the proposed 2021 Inverclyde Local Development Plan. The general principle of the proposed mixed use development was considered to be acceptable at this location when assessed against national policies and the Plans. The environmental impact of the development was also considered to be acceptable.

National Planning Framework 4 was adopted by the Scottish Ministers on 13th February 2023 meaning that National Planning Framework 3, Scottish Planning Policy and the Clydeplan Strategic Development Plan no longer form part of the development plan.

The six overarching spatial principles in NPF4 are identified as:

Just transition. Empower people to shape their places and ensure the transition to net zero is fair and inclusive.

Conserving and recycling assets. Make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.

Local living. Support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.

Compact urban growth. Limit urban expansion so as to optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

Rebalanced development. Target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.

Rural revitalisation. Encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

By applying these spatial principles the national spatial strategy is to support the planning and delivery of sustainable, liveable and productive places which are to be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring the environment.

With regard to NPF4, Policy 9 indicates development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings will be supported. The proposed development accords with the terms of this policy, Policy 15 which promotes local living, including where feasible 20 minute neighbourhoods, and Policy 16 which focuses on delivering new homes that are designed to a high standard and located in sustainable places. Minimising and reducing emissions is also integral to the six qualities of successful places, as set out in Policy 14. The proposed development is also considered to accord with the terms of Policies 14, 15 and 16. Policy 16 in particular indicates that development proposals for new homes on land allocated for housing in Local Development Plans will be supported. The proposed development is considered to be compact urban growth and, as a higher density development, can help to sustain public transport and support local living.

As this is an application to amend a condition of the planning permission in principle, it is not considered necessary to otherwise re-assess the overall proposal against the relevant Local Development Plan policies given that this has been done relatively recently and the policy position has not changed in the interim. In accordance with the advice from the Scottish Government contained in Annex H of Circular 3/2022 on Development Management Procedures this Section 42 application shall consider the condition that is proposed to be amended.

It should be noted at the outset that the principle of the redevelopment of the Spango Valley Priority Place for a mixed use development is supported in policy terms is not in doubt as it will result in significant inward investment and the redevelopment of a large brownfield site. It will provide employment both during construction and on the completion of the development, it will provide new residential development which increases housing choice and contribute to a Council key aim of re-population as well as increasing spending within the area.



View looking north across the site

Consideration of the number of residential units was assessed in the determination of 20/0021/IC. The relevant policies and guidance, in terms of how the proposal aligned with the planning strategy for the Priority Place designation, were used as the basis for condition 4 that was attached to planning permission 20/0021/IC.

Chapter 7 'Our Homes and Communities' of the adopted 2019 Inverclyde Local Development Plan was quashed by the Court of Session, however the wider brownfield site at Spango Valley, delineated on the Proposals Map, is still identified as a "Priority Place".

In this regard Policy 3 of the adopted Local Development Plan supports comprehensive redevelopment proposals for the Priority Places where these are in line with the preferred strategy set out in Schedule 2 and the development frameworks set out in the Priority Places Supplementary Guidance. Schedule 2 sets out the preferred strategy for the Spango Valley site as "mixed use development including business, industrial, storage or distribution (collectively to form no less than 35% of developable area), housing (to form no more than 50% of developable area), residential institutions, non-residential institutions, neighbourhood retail, neighbourhood food and drink, appropriate leisure and recreation, park and ride, and appropriate renewable energy uses.

The Supplementary Guidance on Priority Places associated with the adopted Local Development Plan sets out in more detail the preferred planning strategy for the redevelopment of the Priority Places and a broad development framework which reflects the preferred strategy. The planning strategy for the area seeks to balance its long-standing industrial use, with the clear need for a wider range and mix of uses to progress development. It is highlighted that while this Development Framework provides a broad strategy for the area, a comprehensive masterplan, covering the full site and all ownerships will be required in order to agree the appropriate layout of uses.

The proposed Local Development Plan and associated Supplementary Guidance on Priority Places largely reconfirms the position set out in the adopted Local Development Plan and its associated Guidance but does remove the need for the prison site to form part of the comprehensive masterplan. The indicative capacity for residential development is currently set at 420 units for the whole of the Spango Valley Priority Place designation. This reflects the position previously set out within the now quashed Chapter 7 of the adopted Local Development Plan.

Justification from the applicant to amend condition 4

The applicant considers the capacities identified for the site by the Council are not supported by up-to-date evidence and the approach of restricting the number of dwellings on the site will render the site unviable and undevelopable. In terms of this Section 42 application the applicant's position is that restricting the residential development on the site to no more than 270 units renders the potential development to be unviable. The applicant also considers that, through a design led approach, 450 residential units is a more viable outcome for the future development of the site.

The applicant's justification for amending condition 4 is based on: commercial viability; infrastructure costs; design led approach; achieving comprehensive development; lack of collaboration; arbitrary split of land uses; and quantum of employment land.

Commercial Viability

An independent report was prepared on behalf of the applicant that considered different approaches to the site in terms of residential unit numbers and identify whether they would be viable or not. In summary a 270 unit development is indicated as resulting in a negative value and therefore unviable. For employment uses to be delivered at the site, enabling residential development at a higher level than 270 units is indicated as being required. A development of 450 units is indicated as not necessarily resulting in the level of profits that normal residential development would expect however is considered to be viable.

Infrastructure Costs

Conditions 47 and 48 of 20/0021/IC require specific roads infrastructure works associated with the trunk road to be carried out prior to development commencing. Condition 47 requires the grade separated junction to be upgraded to adoptable standard and condition 48 requires the proposed signal-controlled means of access to the trunk road to be constructed.

The requirements of these two conditions place a financial burden on the applicant. The applicant considers that this required infrastructure is commensurate with a development of 450 units and does not reflect the infrastructure required for a development of 270 units. The applicant also considers the amendment to condition 4 will ensure the transport infrastructure improvements that have been sought by consultees can be delivered.

Design Led Approach

The applicant considers that the design process and associated technical supporting documentation resulted in the preparation of an Indicative Masterplan which demonstrated that up to 450 units can be comfortably accommodated on the site.

It is also indicated that the Market Report that was submitted with 20/0021/IC confirmed there was significant demand for new housing in the area and the Report has been updated further and continues to identify a similar position. The updated Report refers to there being a significant lack of development opportunities for large scale family housing in Inverclyde and there are currently no live private housing sites selling completed units and no sites identified within the immediate pipeline for delivery of housing by developers.

Achieving Comprehensive Development

The applicant considers that a comprehensive development through a single masterplan is not achievable due to commercial factors and the fact that one landowner has a more deliverable site than the other. A comprehensive approach will mean there is no expectation of any development coming forward on part of the Spango Valley site for the foreseeable future.

The applicant considers that if the Section 42 application is approved it would not prejudice any development coming forward elsewhere at Spango Valley and is likely to facilitate/enable additional development to come forward through upgraded roads infrastructure.

Lack of Collaboration

This refers to the applicant not being informed of the terms of condition 4 before the Planning Board Report was made public.

Arbitrary Split of Land Uses

The applicant considers that the Council did not consider the evidence set out in the previous application including design work, technical work and a Market Report to show that 450 units can be accommodated on the site.

The applicant also considers the approach taken by the Council is one that relies on development coming forward through two separate landowners with different sites, each with differing attributes to them and therefore differing priorities. The applicant is of the view that by maintaining this approach there is a risk that development will never take place at this location.

The applicant has indicated that approaches were made to the neighbouring landowner during September and October 2019 as well as between July to October 2020 however a commercial agreement could not be reached. Further approaches were made following the determination of 20/0021/IC in September 2022 and in January 2023 and again no agreement could be reached.

The applicant goes on to indicate that Transport Scotland has no objection to a 450 unit development provided that appropriate mitigation is delivered and the applicant is content to provide this mitigation.

Quantum of Employment Land

The applicant considers there is a healthy demand for family housing and low demand for employment uses based on the findings of the independent report prepared on their behalf. The applicant also considers that any loss of employment land at this site would be offset by the generous supply of employment land that exists in Inverclyde. The applicant considers the Council did not take this into account when assessing 20/0021/IC.

In summary the applicant considers that Spango Valley cannot come forward as a comprehensive development as a single entity, should not have been allocated in such a way as it renders the site undevelopable. It is indicated the applicant has a track record of delivering regeneration projects and sought an agreed combined approach with the adjacent landowner without success. The applicant also considers that the Council's approach to applying the policies of the adopted Local Development Plan is too restrictive in this case as it does not provide the "real world" approach to interpreting and applying policies that should be taken. This will allow the development to proceed and assist in regenerating this area of Greenock, bringing economic and social benefits.

The Determining Issues

Section 25 of The Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. A Section 42 application is still an application for planning permission and is required to be assessed in this regard.

As indicated above, the principle of the proposed mixed use development is considered to be acceptable at this location when assessed against the Development Plan and material planning considerations. It therefore has to be decided what are the material changes in circumstances that would allow an alternative position to be taken regarding the number of residential units at the application site with particular regard to the Priority Place designation in both the adopted and proposed Local Development Plans.

Policy 3 of the adopted Local Development Plan supports the comprehensive redevelopment proposals for the Priority Places where these are in line with the preferred strategy set out in Schedule 2 and the development frameworks set out in the Priority Places Supplementary Guidance. This is reiterated in Policy 3 of the proposed Local Development Plan.

By way of a re-cap, and as indicated in the assessment of 20/0021/IC, this application proposal does not take a comprehensive approach to the redevelopment of the Spango Valley Priority Place as required by Policy 3 of the adopted Local Development Plan. The indicative proposals set out in this Section 42 application also do not follow the preferred strategy set out within Schedule 2 as required by Policy 3 of the adopted Local Development Plan and associated Supplementary Guidance.

A coordinated and comprehensive approach to the development of this Priority Place has always been the Council's preferred approach. It was accepted in the assessment of 20/0021/IC that it was not unreasonable to expect that the Prison Service part of the Priority Place would be developed independently from the rest of the area as it is accessed independently and would result in it being self-contained with little, if any, direct interaction with the remaining part of the Priority Place. This position is considered to be the same for the assessment of this Section 42 application in relation to the Prison Service part of the Priority Place. The Supplementary Guidance on Priority Places associated with the proposed Local Development Plan indicates that the prison site part is to be excluded from the comprehensive masterplan for the remainder of this Priority Place.

In the assessment of 20/0021/IC the Council's preferred approach to the Priority Place was considered to be the best way to ensure the creation of a successful place and to ensure that any infrastructure requirements and constraints are jointly and fully addressed in the context of the whole development. Such an approach also ensures there is no potential to find that the development of one part of the wider site sterilises or otherwise disadvantages the development potential of the other part, adversely impacting on the potential for the delivery of the Council's vision for comprehensive development of the whole site. There was also concern expressed that such a split approach may not deliver the most optimal mix and layout across the site. It was however acknowledged in the assessment of 20/0021/IC that such an approach could lead to development on the site being delivered sooner with the associated benefits that would arise from a development of this scale being realised at an earlier date.

Whilst the proposal assessed in 20/0021/IC did not reflect the preferred comprehensive approach to the Priority Place and it was however accepted there would be significant environmental, social and economic benefits that would result from the development. The proposal also related to the section of the wider Priority Place designation that is closest to the settlement. The benefits of the proposal were weighed and considered against it not according with the strategy in the Development Plan. It was acknowledged that development on the site may impact on the deliverability of the development on the neighbouring part of the Priority Place designation and the overall aim to see the appropriate redevelopment of the whole site. It was therefore determined that with control retained over the potential number of residential units on the application site, based on the expected capacity for the wider Priority Place as identified in the proposed Local Development Plan, together with the market demand identified by the applicant for a development of this nature at this location, it was concluded that, in principle, the benefits significantly and demonstrably outweighed any concerns. This allowed planning permission in principle to be granted for part of this Priority Place.



View looking north across the site towards the A78

With regard to the proposed Local Development Plan the indicative residential capacity of the whole Spango Valley Priority Place remains identified as 420 units at this time whereas the application proposal still identifies a development comprising up to 450 units on approximately 60% of the site. Since the determination of 20/0021/IC the proposed Local Development Plan has not progressed for

examination by the Scottish Ministers. It should be noted that the implications of National Planning Framework 4 having been adopted by the Scottish Ministers are being considered with relation to the proposed Local Development Plan.

The current Section 42 application has been accompanied by viability information and costings that were not submitted with the previous application. Focusing on viability issues it is acknowledged that the terms of Conditions 47 and 48 of 20/0021/IC require specific roads infrastructure works associated with the trunk road to be carried out prior to development commencing. These works are necessary for the proposed development and require to be in place early in the actual development of this Priority Place. It is acknowledged these requirements of these two conditions place a financial burden on the applicant. Given the previous development on the site, potential contamination has to be addressed/remediated with the potential for there to be additional abnormal costs. In addition, general construction costs have increased that have to be borne by the developer. As indicated in the independent report submitted by the applicant development restricted to 270 residential units results in a negative value that in turn would require subsidy. This would in turn have an impact on the applicant achieving funding for a project which is not achieving sufficient profit to satisfy the funding requirements of the banks. The consequence would be that development on this site is unlikely to be carried out. At 450 residential units the development is indicated in the independent viability assessment as having a positive land value that in turn makes it viable without subsidy.

The viability of the development is considered to be a material consideration in determining this Section 42 application and, as indicated in the submitted independent viability report, will mean that the site is currently undevelopable if it is restricted to 270 residential units. The consequence of this is that a key Council aim of re-population may not be achieved and the site could remain derelict for a substantial period of time. This also could impact on housing land in the future as NPF4 indicates Local Development Plans are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year Minimum All Tenure Housing Land Requirement. Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach.

Policy 18 of the proposed Local Development Plan supports housing development on sites identified in Schedule 3. Spango Valley is identified in Schedule 3 with an indicative capacity across the wider Priority Place designation of 420 units. Although the Section 42 application does not accord with the indicative capacity in Schedule 3, the considerable environmental, social and economic benefits arising from a development of this scale have to be balanced against the possibility of the site remaining derelict with no prospect of development being realised as a result of the restrictions in numbers of 270 units. It is considered that the proposed development is deliverable and in principle can create quality places for people to live. In addition the consultation responses do not raise any issues regarding the number of residential units proposed by the applicant. In particular Transport Scotland has not objected to the Section 42 application in terms of the impact of the development on the capacity of the Trunk Road and the Council's Education Department has not objected to the impact on the capacity of schools.

Representations

The comments in the representation are noted and if this application is approved there are a range of conditions that need to be included in the new planning permission with conditions repeated from the previous permission 20/0021/IC. These conditions relate the matters that have been raised in the representation.

Procedural matters

It should be noted that since planning permission in principle 20/0021/IC was granted changes have been made to Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) and

these came into effect on 1st October 2022. Section 59 of the Planning Act relates to the duration of a planning permission in principle.

Section 59(2A) of the Town and Country Planning (Scotland) Act 1997 (as amended) specifies that where planning permission in principle is granted it must be subject to a condition that the development to which the permission relates is to begin within:

- a) a five year time period beginning with the date on which the permission is granted; or
- b) such other period, whether longer or shorter, as specified by the planning authority.

It should be noted that now there is no time period specified in Section 59 of the of the Town and Country Planning (Scotland) Act 1997 (as amended) for when applications for the approval of matters specified in conditions have to be submitted. Condition 1 of planning permission in principle 20/0021/IC stated:

Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval.

It is not considered that this condition needs to be repeated because of the changes to Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). It is considered necessary for the terms of the other conditions of 20/0021/IC to be included as a new planning decision is to be issued. This will require minor adjustments to the wording of the other conditions.

It is also considered necessary to add an additional condition to reflect Policy 16 b) of NPF4 that requires development proposals that include 50 or more homes to be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area.

This additional condition can apply to each residential phase of the development.

Summary and overall conclusions

The application site is located within the Spango Valley Priority Place and that the principle of the redevelopment of the site for a mixed use development is supported by both the adopted and proposed Local Development Plans is not in doubt. The proposed development would also make a significant contribution to the re-population aim which is set out in the proposed Local Development Plan as a key priority of the Inverclyde Outcomes Improvement Plan. The proposal also has the potential to meet local housing market need by increasing the housing supply and options. The proposal would also have a significant positive benefit by developing a large proportion of an important, derelict brownfield site. There is no dispute that the environmental, social and economic benefits arising from a development of this scale would be considerable. The development will result in significant inward investment and the redevelopment of a large brownfield site. It will provide employment both during construction and on the completion of the development and it will provide new residential development which increases housing choice.

Overall, the indicative design approach to the development inclusive of the suggested scale and massing of the various elements is again considered acceptable in principle and it is considered that a development of a well-planned attractive nature with placemaking at the heart of the design can be achieved. It is considered that the proposal also accords will the spatial principles in National

Planning Framework 4 being a site that has been identified for development and in turn contributes to compact urban growth.

The material considerations, particularly viability, are such that this Section 42 application can be supported and the departure from the adopted and proposed Local Development Plans is justified.

RECOMMENDATION

That Planning Permission in Principle should be granted subject to the conditions:

1. The development to which this planning permission in principle relates must be begun within 5 years from the date of this permission.
2. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to:
 - a. a masterplan layout and design framework for the entire application site;
 - b. a levels strategy for the entire application site;
 - c. a phasing plan for the entire application site including a detailed programme of works showing the relevant phases and timescales for the development of each phase, and the inter-relationship of the phases.

For the avoidance of doubt the masterplan layout and design framework shall include clear provision for the effective linking of the development to the remaining south-western part of the designated Spango Valley Priority Place in the adopted and proposed Inverclyde Local Development Plans and shall follow the generalities of the indicative layout details submitted in respect of:

- i. access points and spine road;
- ii. areas to be developed;
- iii. the open space and green infrastructure provision;
- iv. SuDS;
- v. daylighting and de-culverting of watercourses.

Thereafter the development shall proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority.

3. For the avoidance of doubt, no approval is given for the submitted indicative layout details and plans accompanying the application.
4. The maximum number of dwellinghouses across the site shall not exceed 450. For the purposes of this number, dwellinghouses include flatted dwellinghouses.
5. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to each phase of the development approved under Condition 2c for the following:
 - a. the siting, design, floor plans and external appearance of all buildings and other structures inclusive of dimensions as well as the type and colour of all external materials;
 - b. the proposed site layout which shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas details of existing and proposed site levels;
 - c. the type and colour of all hard surfacing materials;

- d. the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point. The application shall include existing ground levels taken from the same fixed datum point;
- e. bin stores to be erected on site inclusive of dimensions as well as the type and colour of all external materials.

Thereafter the development shall proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority.

6. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority in respect of the detailed landscape strategy paying particular attention to the following:
- a. a scheme of strategic landscaping and open space provision, detailing all existing landscape features and vegetation to be retained as well as trees to be felled;
 - b. the locations of new trees, shrubs, hedges, grassed areas and water features;
 - c. a schedule of trees and plants including species, plant sizes and proposed numbers and density;
 - d. the layout, design and materials of all hard landscaping works;
 - e. other structures such as street furniture;
 - f. proposed levels;
 - g. the extent and distribution of public open space within the development;
 - h. details of the phasing of these works;
 - i. a detailed programme for the completion and subsequent maintenance of the proposed landscaping.

Thereafter the development shall proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority.

7. The landscaping scheme shall ensure that where trees/shrubs are to be planted adjacent to the railway boundary these are to be positioned at a minimum distance from the boundary which is greater than their predicted mature height. The applicant shall agree with Network Rail and confirm in writing to the Planning Authority the species to be planted prior to the commencement of development.
8. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to a scheme for the provision of equipped play area(s). The scheme shall include:-
- a. details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
 - b. details of the surface treatment of the play area(s), including the location and type of safety surfaces to be installed;
 - c. details of fences to be erected around the play area(s);
 - d. details of the phasing of these works; and
 - e. details of the future maintenance of the play area(s).

Thereafter the development shall proceed in accordance with the approved form unless otherwise first agreed in writing by the Planning Authority.

9. All domestic garden dimensions, open space, play provision within the development shall accord with the requirements of the Council's adopted Planning Application Advice Note 3 on "Public and Private Open space within New Residential Development" or any successive draft or adopted replacement document.

10. Any of the trees, areas of grass or planted shrubs approved as part of the landscaping scheme that die, become diseased, are damaged or removed within 5 years of planting shall be replaced with others of a similar size and species within the following planting season.
11. Development shall not commence until an application for approval of matters specified in conditions has been submitted to and approved in writing by the Planning Authority relating to the daylighting and de-culverting of watercourses within the site. Works shall then proceed as approved unless an alternative is first agreed in writing by the Planning Authority.
12. The applications for the approval of matters specified in conditions for each phase of the development shall be accompanied by an updated flood risk assessment which takes account of the detailed layout and design proposals. For the avoidance of doubt the recommendations set out within the "recommendations and conclusions" section of the Flood Risk Assessment dated May 2020 shall be incorporated into the detailed layout and design proposals. For the avoidance of doubt flow paths of the surface water through the site to prevent any property flooding shall be demonstrated.
13. Prior to the commencement of works on site, mitigation measures to address the flood risk in respect of the access to and from the site shall be submitted to and approved in writing by the Planning Authority either as part of an updated version of the submitted Flood Risk Assessment or as a standalone document in association with the requirements of condition 12 above.
14. All proposed new buildings, both residential and commercial in any form, shall have a finished floor level 600mm above the 1 in 200 year flood event plus climate change.
15. The applications for the approval of matters specified in conditions for each phase of the development shall be accompanied by a drainage impact assessment and full drainage details inclusive of future maintenance arrangements in accordance with the Council's policy which takes account of the detailed layout and design proposals. Works shall then proceed as approved unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt the drainage scheme must comply with the principles of Sustainable Drainage Systems (SuDS) as set out in CIRIA SuDS Manual (C753) and all surface water during and after development should be attenuated to that of greenfield run off.
16. SuDs must not be sited within 10 metres of the railway boundary.
17. All surface water shall be managed and diverted through the approved drainage infrastructure both during and on completion of the development to prevent flooding beyond the boundary of the application site.
18. It shall be demonstrated beyond doubt to the Planning Authority that no additional flooding or surface water run-off will occur to the adjoining part of the Spango Valley Priority Place designation in the adopted and proposed Local Development Plans.
19. Prior to the commencement of works on any phase of the development, confirmation that all the requirements of Scottish Water can be fully met, including confirmation of Scottish Water's acceptance of the foul and surface water drainage proposals. Confirmation shall be submitted to and approved in writing by the Planning Authority.
20. The applications for the approval of matters specified in conditions for each phase of the development which contains new residential properties shall be accompanied by an updated noise impact assessment which takes account of the detailed layout and design proposals. Required noise mitigation measures inclusive of acoustic barriers and screening which generally follow those identified in the submitted noise impact assessment dated January 2020 shall be incorporated into the design and layout for each phase.

21. Prior to the occupation of any residential unit hereby permitted in any phase of the development noise mitigation measures relating to that phase of the development shall be completed as approved under condition 20 and be maintained on site at all times thereafter unless agreed in advance in writing by the Planning Authority.
22. Prior to the commencement of works on each phase of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include:
- a. a site specific CEMP outlining the details of all construction works and mitigation to be undertaken in relation to that phase together with an indicative timetable of the activities;
 - b. a site waste management plan (dealing with all aspects of waste produced during the construction period), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
 - c. details of the formation of the construction compound, welfare facilities, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - d. a dust management plan;
 - e. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
 - f. soil storage and management;
 - g. management to prevent to the spread of invasive species;
 - h. a water management plan to include a drainage management strategy, demonstrating how all surface and waste water arising during construction activities will be managed and prevented from polluting any watercourses or sources;
 - i. sewage disposal and treatment;
 - j. temporary site illumination;
 - k. the construction of the access into the relevant area within the site and the creation and maintenance of associated visibility splays;
 - l. details of any required ecological, ornithological and nature conservation mitigation measures including a toolbox talk for protected species to ensure all personnel are aware of what to do should evidence of species be discovered during construction;
 - m. hours of operation on site;
 - n. post-construction restoration/ reinstatement of the working areas not required during the operation of the relevant phase, including construction access tracks, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas.

The CEMP for each phase of the development shall thereafter be implemented on site as approved unless otherwise first agreed in writing with the Planning Authority.

23. No works shall commence on the development hereby approved until an independent and suitably qualified Ecological Clerk of Works (ECoW) has been appointed by the developer(s), at their expense, to oversee the implementation the development and Construction Environmental Management Plan (CEMP). Full details of the ECoW (including name, qualifications and contact details) appointed shall be submitted in writing not less than 14 days before development commences.
24. Prior to appointing the ECoW in accordance with condition 23 above, a 'scope of works' for that person shall be submitted to and approved in writing by the Planning Authority. The Scope of Works shall specify the stages of the process that the ECoW will be present on site for and how regularly they will otherwise inspect the site. All works shall be carried out in accordance with the agreed scope of works to the satisfaction of the Planning Authority.

25. The recommendations set out within the submitted Preliminary Ecological Appraisal dated June 2019 in respect of mitigation and further surveys shall followed and implemented unless otherwise- agreed in advance in writing by the Planning Authority.
26. For the avoidance of doubt, compliance with condition 25 above shall include following the recommendation in respect of annual updates to maintain a valid data set and accordingly where 12 months or more has elapsed between the timing any ecological survey and development commencing in any phase, further updated survey(s) shall be undertaken to determine the presence of any statutorily protected species and be submitted to and approved in writing by the Planning Authority before any development commences in respect of any phase.
27. Notwithstanding the requirements of condition 25 above, prior to the commencement of works on site in respect of any phase, a pre-construction survey for all European Protected species together with all priority Local Biodiversity Action Plan species shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the survey shall set out appropriate mitigation or include a species protection plan where required.
28. The recommendations set out within the submitted Bat Survey dated August 2019 shall be fully followed inclusive of undertaking the demolition of the concrete retaining wall out with the winter hibernation period for bats from December to March inclusive.
29. No tree works or scrub clearance shall occur on site from March through to August (inclusive) each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between March to August (inclusive), a suitable bird survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area and shall be submitted to and approved in writing by the Planning Authority before those clearance works commence. Once written approval has been given, the works themselves should be carried out within a specified and agreed timescale.
30. No tree works or scrub clearance shall occur and no other development or construction works shall commence during the bird breeding season March through to August (inclusive) in the north-eastern part of the site generally from a point level with the existing north-easternmost access to the north-eastern site boundary. Prior to the commencement of any works on site, a site plan of a scale not less than 1:500 setting out a clear boundary of the restricted area shall be submitted to and agreed in writing by the Planning Authority. Works shall then proceed as approved.
31. Prior to the commencement of works on site in any phase, a biodiversity enhancement scheme inclusive of a timetable for implementation shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.
32. Prior to the commencement of works on site in any phase, tree protection measures for all trees to be retained both within or adjacent to the application site shall be erected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012 and shall not be removed during the course of construction work.
33. No tree felling shall be undertaken on site unless in accordance with an approved landscape framework or strategy or otherwise first agreed in writing by the Planning Authority.
34. Prior to the commencement of works on site in any phase, full details of mitigation measures generally following those set out within Section 12.135 of the EIA to reduce the temporary visual effects resulting from construction shall be submitted to and agreed in writing by the Planning Authority. Works shall then proceed as approved.
35. The details set out within the Landscape Mitigation Strategy in Figure 12.6 of the EIA shall be incorporated into the detailed design of the development.

36. Prior to the start of development in any phase, 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.
37. The development in any phase 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.
38. Before the development of any building in any phase 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 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.
39. The presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority.
40. Prior to commencement of the development works within any phase, an Environmental Monitoring Plan for trichloroethene and associated contaminants present at the site shall be submitted to and approved in writing by the Planning Authority; this plan shall include an emergency contingency response plan to deal with any watercourse pollution events. Development shall not proceed until the Environmental Monitoring Plan is implemented. Any variation to the agreed Environmental Monitoring Plan shall be submitted for approval in writing by the Planning Authority prior to implementation.
41. Prior to the commencement of any works on site, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing together with the timescale for implementation shall be submitted to and approved in writing by the Planning Authority. Thereafter the works shall proceed as approved and the fence shall be maintained in position at all times thereafter.
42. All proposed roads, footpaths and parking shall be provided in accordance with the National Roads Development Guide. The details shall allow for:
 - a. Residential parking:
 - i. (including garages if not less than 3.0 metres by 7.0 metres in size) to be provided in accordance with the National Guidelines of one parking space for a 1-bedroom house, 2 parking spaces for a 2 or 3 bedroom house, and 3 parking spaces for a 4 bedroom house;
 - ii. visitor parking shall be at a standard of 0.25 space per house;

- iii. the minimum dimensions of driveways shall be 3 metres wide by 5.5 metres long per bay; the driveway gradients shall not exceed 10%; driveways shall be paved for a minimum distance of 2m to prevent loose driveway material being spilled onto the road; and the gradient of driveways shall not exceed 10%;
 - iv. any visitor parking spaces shall be a minimum of 2.5 metres by 5.0 metres.
 - b. Employment, Industrial, Retain, Community and Leisure parking:
 - i. Parking requirements as stated in the National Roads Development Guide;
 - c. The roads shall be designed to a 20mph speed limit with traffic calming;
 - d. All roads within the site shall be a minimum of 5.5m wide and have a gradient of 8% or less;
 - e. All footways within the site shall be a minimum of 2.0m wide.
43. Prior to the occupation of any building regardless of the proposed use, the off-street parking approved in association with condition 42 above shall be formed and available for use. The parking shall remain in place and available for use at all times thereafter unless its removal is agreed in advance in writing by the planning authority.
44. Prior to the occupation of each dwellinghouse hereby permitted all new roads and footways leading to it shall be surfaced to a sealed base course and operational street lighting shall be provided.
45. Within 4 weeks of the last of the dwellinghouses hereby permitted being completed all roads and footways within the application site shall be completed to a final wearing course.
46. That prior to the completion of each phase of the development all visitor parking spaces approved in association with condition 42 above shall be formed and available for use. The parking shall remain in place and available for use at all times thereafter unless otherwise agreed in writing by the Planning Authority.
47. Prior to the commencement of any phased development, the existing grade-separated junction, proposed to be used as a means of access to the trunk road, shall be upgraded to an adoptable standard, generally in line with Drawing 19137-SK-21 Revision D (Dated 04 August 2021), to be approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Any existing walking and cycle user infrastructure affected by the upgrade shall also be upgraded to conform to current standards.
48. Prior to the commencement of any works on site, the proposed signal-controlled means of access to the trunk road shall be constructed to a layout generally in line with Drawing 108901/I/GA/001 Revision A (Dated October 2019), and type (and method) of construction to be approved by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.
49. Prior to the commencement of any phased development, a scheme for the closure of the existing central site access junction with the A78(T) shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Thereafter, the approved details shall be implemented in accordance with the approved timescales.
50. Prior to the commencement of any phased development, a Sustainable Transport Strategy shall be prepared and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.

51. Prior to the occupation of any part of the phased development, any footpath link must be approved and then constructed and completed to the satisfaction of the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.
52. Prior to the occupation of any part of the phased development, a scheme for the closure of the existing sub-standard footway across the site frontage with the A78(T) should be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.
53. Prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, that considers the various public transport improvements cited in the Transport Assessment.
54. For the avoidance of doubt, the Public Transport Strategy required under condition 53 above shall include (but not be limited to) details on the provision of all modes public transport inclusive of the re-establishment of rail services at IBM Halt, infrastructure inclusive of park and ride facilities, phasing and implementation and details of funding mechanisms required.
55. Prior to the commencement of any phased development, a scheme for the closure and relocation of the existing bus stop and uncontrolled pedestrian crossing on the northbound A78(T) carriageway at the existing central site access shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Thereafter, the approved details shall be implemented in accordance with the approved timescales.
56. Prior to the commencement of any works on site, a Transport Assessment Addendum shall be prepared and approved in writing by the Local Authority, in consultation with Transport Scotland as the Trunk Roads Authority, that considers the potential impacts of the development at A78(T) / Dunlop Street Roundabout. Any mitigation shall be identified and, prior to the commencement of any works on site, shall be constructed conforming to current standards to be approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.
57. Prior to the commencement of any works on site, a scheme for the delivery of A78(T) / Cumberland Road junction improvement measures shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. Thereafter, the approved details shall be implemented in accordance with the approved timescales.
58. Prior to the occupation of any part of the phased development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
59. Prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority.
60. There shall be no drainage connections to the trunk road drainage system.
61. Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, in consultation with Transport Scotland as the Trunk Roads Authority, before any works commence on site.

62. All vehicles transporting construction material to and from the proposed development shall be sheeted.
63. Prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the planning authority, in consultation with Transport Scotland as the Trunk Roads Authority.
64. Prior to the commencement of any works on site, details of the connection of the site to the core path network, inclusive of timing of the implementation, shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved.
65. All proposed new buildings, both residential and commercial in any form hereby permitted shall be designed to ensure that at least 15%, rising to 20% by the end of 2022 of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the first house on site.
66. The applications for the approval of matters specified in conditions for each phase of the development shall detail the provision of electrical vehicle charging points. For the avoidance of doubt this shall include each dwellinghouse provided with an electric vehicle charging point prior to its occupation.
67. No dwellinghouse shall be occupied until the contents of a Travel Information Pack (largely in line with the example submitted within the Transport Assessment) which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents. The Travel Information Pack shall be updated by the applicant as deemed necessary by the Planning Authority to take account of the progression of the development.
68. A minimum 5% of the dwellinghouses to be constructed on site shall be fully wheelchair accessible.
69. Each residential phase of the development shall be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

Reasons:

1. To comply with Section 59(2A)(a) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure an appropriate and comprehensive programme for delivery of the various elements of the development.
3. Due to the submitted application being for Planning Permission in Principle and to retain full control over the detail of the proposed development.

4. This figure represents an acceptable level of development in terms of tested and available capacity by Transport Scotland and the Council as Education Authority.
5. To ensure that the design matters referred to are given full consideration and are acceptable.
6. To ensure that the landscaping details and open space provision are given full consideration and are acceptable.
7. To control the impact of leaf fall on the operational railway.
8. To ensure that the play provision details are given full consideration and are acceptable.
9. To ensure appropriate domestic garden dimensions, open space and play provision in the interests of amenity.
10. To ensure the retention of the landscaping scheme.
11. To ensure that the details relating to the daylighting and de-culverting of watercourses are given full consideration and are acceptable.
12. In the interests of the avoidance of flooding affecting the development hereby permitted or surrounding lands and properties.
13. In the interests of the avoidance of flooding affecting the access to the development hereby permitted.
14. In the interests of the avoidance of flooding affecting the development hereby permitted.
15. To ensure the adequacy of the drainage regime and associated maintenance in the interests of the avoidance of flooding affecting the development hereby permitted or surrounding lands and properties.
16. To protect the stability of the adjacent railway lines and the safety of the rail network.
17. To avoid surface water run-off from the site in the interests of the avoidance of flooding.
18. To ensure that the remaining part of the Priority Place designation is not affected by flooding and surface water run-off resulting from the development, impacting on the delivery of development on the neighbouring site.
19. To ensure Scottish Water's acceptance of the drainage regime for the application site, in the interests of the provision of a satisfactory drainage regime.
20. To ensure noise impact is fully considered.
21. To ensure the installation of appropriate noise mitigation measures in the interests of the amenity of future residents.
22. To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA relating to the development, or as otherwise agreed, are fully implemented.
23. To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.

24. To secure a suitable scope and works and appropriate access for the ECoW in the interests of the effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.
25. In the interests of the protection of ecology.
26. To ensure that an up-to-date position is maintained in the interests of the appropriate protection of ecology.
27. To ensure the appropriate protection of European Protected species and other wildlife.
28. To ensure the appropriate protection of Bats.
29. To ensure the appropriate protection of breeding birds.
30. To ensure the appropriate protection of breeding birds.
31. To ensure appropriate biodiversity enhancement for within the new habitats created.
32. To ensure the retention of and avoidance of damage to trees during development.
33. To ensure the retention of and avoidance of damage to trees during development.
34. To minimise the visual effects from construction.
35. To minimise the visual effects of the development.
36. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
37. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
38. To ensure contamination is not imported to the site and to confirm successful completion of remediation measures in the interest of human health and environmental safety.
39. To ensure that all contamination issues are recorded and dealt with appropriately.
40. To satisfactorily address potential contamination issues resulting from trichloroethene and associated contaminants present at the site in the interests of human health and environmental safety.
41. In the interests of public safety and the protection of Network Rail infrastructure.
42. To ensure appropriate roads and parking layout and provision.
43. To ensure appropriate parking provision for new buildings.
44. To ensure the provision of acceptable safe access facilities during construction.
45. To ensure the provision of acceptable safe access facilities following construction.
46. To ensure the provision of appropriate visitor parking facilities.
47. To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished.

48. To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.
49. To mitigate the impact of the development and ensure the safe and efficient operation of the trunk road.
50. To ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities.
51. To ensure that facilities are provided for the pedestrians that are generated by the development and that they may access the existing footpath system without interfering with the safety and free flow of traffic on the trunk road.
52. To ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities.
53. To ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network.
54. To ensure all public transport matters are considered by the Public Transport Strategy.
55. To mitigate the impact of the development and ensure the safe and efficient operation of the trunk road.
56. To mitigate the impact of the development and ensure the safe and efficient operation of the trunk road.
57. To mitigate the impact of the development and ensure the safe and efficient operation of the trunk road.
58. To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
59. To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.
60. To ensure that the efficiency of the existing drainage network is not affected.
61. To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.
62. To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
63. To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
64. To ensure the development links to the core path network.
65. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
66. To ensure appropriate electric vehicle charging provision.
67. To encourage sustainable travel behaviour and reduce the reliance on the private car.
68. To ensure provision of wheelchair accessible housing in accordance with Policy 21 of the proposed Inverclyde Local Development Plan.

69. To accord with Policy 16 b) of National Planning Framework 4.

Mr Stuart W Jamieson
Director
Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean Mc
Daid on 01475 712412.

Report To: The Planning Board

Date: 1 March 2023

Report By: Director, Environment & Regeneration

Report No: 22/0234/IC

**Local Application
Development**

**Contact
Officer:** Carrie Main

Contact No: 01475 712413

Subject: Residential development comprising 30 units, associated landscaping, access and other ancillary works at
Site Of Former Greenock Academy, Madeira Street, Greenock



SUMMARY

- The proposal complies with the 2019 adopted and 2021 proposed Inverclyde Local Development Plan.
- 10 representations have been received raising concerns over design and the impact on the conservation area; roads, traffic and parking provision; residential amenity; environmental concerns and procedural matters.
- The recommendation is to GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=RJDRZYIMN1E00>

SITE DESCRIPTION

The site extends to 1.47 hectares and comprises of the former Greenock Academy site. The former school building was situated along the western side of the site with its associated grounds to the east, where vehicular and pedestrian access was taken from Madeira Street. Following the demolition of the school in 2015 the site currently lies vacant and is laid to grass predominately with the trees within the site retained. The site is bound by Newark Street to the North and Madeira Street to the East. The boundary of the Greenock West End Conservation Area also meets the northern and eastern boundaries of the site. It is therefore located just outwith the conservation area, with neighbouring properties on Madeira Street and Newark Street located within it. The site slopes steeply down from its southern boundary which it shares with the recently developed Glenpark Early Years Centre. The variation in topography is around 12.66 metres from its highest point at the south-western corner to lowest point at the north-western corner. A raised plateau exists at the southern end of the site with a steep embankment with tree and vegetation cover. The central and lower half of the site slopes more gradually downwards towards the north boundary at Newark Street. The site is bound predominately with a stepped red brick wall, piers and intervening black metal railings. The western boundary is delineated by adjacent back garden fences of neighbouring residential properties on Dungourney Drive. An approximately 1.8m high weldmesh metal fence separates the site and the Early Years Centre to the south.

The site is located within an established residential area, typified by a mix of detached and semi-detached housing, including traditional sandstone villas, red brick and rendered dwellings.

Policy 18 and Schedule 3 of the Proposed 2021 Inverclyde Local Development Plan designates the site as land for housing, reference R36, with an indicative capacity of 30 units.

PROPOSAL

Planning permission is sought for a residential development of 30 dwellings inclusive of associated access roads, footpaths, parking, retaining walls, open space and landscaping.

The proposal presents 30 houses for private sale, comprising of 8 blocks of 24 three storey townhouses and 6 two storey with room in the roof houses. All houses are three bedroom. A single vehicular access point will be formed at the eastern end of the site, from Madeira Street, at a relatively central point within the site. The blocks are to be constructed in a linear pattern, with an east-west orientation. Each property contains a dedicated front and rear garden area with in-curtilage parking; Blocks (1 & 2), at the southern end of the site, propose a shared parking court which fronts Madeira Street.

The dwellings are thematic in design and finish, with external walls finished in a buff coloured facing brick with corbelling detail to the front elevations and to prominent side elevations, grey uPVC windows and doors, concrete roof tiles and black uPVC rainwater fittings. Solar PV panels are incorporated centrally within the rear roof slope of each house. Juliette balconies are also featured within each house. Blocks 1 and 2 are the 'room in the roof' houses and contain large uPVC roof windows. The proposal indicates the erection of 1.8 metre timber fences between plots to the side and rear garden boundaries and front gardens generally left as open plan with beech hedging proposed between driveways. More prominent boundaries: the southern and eastern boundaries of the site will be defined by crib walls for retention. The western and southern boundaries will have a soft landscaped treatment.

Given the site's topography the development is set onto three levels or platforms with retaining walls constructed in between generally within the rear curtilage of the properties with associated lowering and raising of ground levels. All plots have a 0.55m tiered/stepped rear gardens to minimise the scale of retention required between properties. Areas of open space are to be located to the south-west and north-east corner of the site. The north-east corner will additionally accommodate the SUDS provision of the site in the form of an underground attenuation tank.

DEVELOPMENT PLAN POLICIES

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Local Development Plan applicable to the area and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF 4 has the six overarching spatial principles of: just transition; conserving and recycling assets; local living; compact urban growth; rebalanced development and rural revitalisation. This ensures that our future places work for everyone, rather than compromise or trade-offs between environmental, social and economic objectives, this is an integrated strategy to bring together cross-cutting priorities and achieve sustainable development. By applying these spatial principles, the national spatial strategy will support the planning and delivery of: sustainable places, where we reduce emissions, restore and better connect biodiversity; liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy. Whilst all 33 Policies within NPF4 are of relevance in assessing development proposals the policies as listed below are of particular relevance to this proposed housing development, within a settlement boundary on brownfield land.

Policy 9- Brownfield, vacant and derelict land and empty buildings

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 13 – Sustainable Transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
 - i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
 - i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

- ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
 - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
 - d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
 - e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
 - f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
 - g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

Policy 15 – Local Living and 20-minute neighbourhoods

- a) Development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;

 - employment;
 - shopping;
 - health and social care facilities;
 - childcare, schools and lifelong learning opportunities;
 - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
 - publicly accessible toilets;
 - affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16 – Quality Homes

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.
- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
 - i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
 - i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes

The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
 - i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or

- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

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 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.

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 16 - Contaminated Land

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that ensure that the site can be made suitable for the proposed use.

Policy 33 - Biodiversity and Geodiversity

Natura 2000 sites

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

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

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

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

Protected Species

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

Local Nature Conservation Sites

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

Local Landscape Area

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

Non-designated sites

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

Policy 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.

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

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 - Low and Zero Carbon Generating Technology

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

Other solutions will be considered where:

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

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

Policy 9 - Managing Flood Risk

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

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

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

Policy 10 - Surface and Waste Water Drainage

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

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

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

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

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

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

Policy 11 - Promoting Sustainable and Active Travel

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

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

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

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

Policy 12 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

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

Policy 16 - Soils

Development on prime agricultural land will only be supported if:

- a) it is on land allocated for development in this Local Development Plan or meets a need identified in the Strategic Development Plan;
- b) there is a specific locational need for the development;
- c) it is for small scale development directly linked to a rural business; or
- d) it is for renewable energy generation or mineral extraction, and the proposals include provision for the site to be returned to its former status.

Development should avoid the unnecessary disturbance of peat and carbon-rich soils. Best practice must be adopted in the movement, storage, management and reinstatement of peat and carbon-rich soils.

Where peat and carbon rich soils are present on an application site, a depth survey must be undertaken which demonstrates that areas of deep peat have been avoided as far as is possible. A peat management plan must also be produced, detailing mitigation measures which demonstrate that the unnecessary disturbance, degradation or erosion of peat will be avoided. It will also need to be demonstrated that adverse impacts on the soil resource during the construction and operational phases of a development will be minimised and the development will not result in a net increase in CO2 emissions over its lifetime.

Policy 17 - Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

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 21 - Wheelchair accessible housing

The Council will seek the provision of 5% wheelchair accessible housing on new build development sites of 20 or more units. Developers will be required to demonstrate that they have considered the demand for and provision of wheelchair accessible housing if they are seeking an exemption from this requirement.

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 34 - Landscape

The siting and design of development should take account of local landscape character and setting in order to conserve, enhance and /or restore landscape character and distinctiveness. Development should aim to conserve those features that contribute to local distinctiveness including:

- a) the setting of buildings and settlements within the landscape
- b) the pattern of woodlands, fields, hedgerows and trees; especially where they define/ create a positive settlement/ urban edge
- c) the character and distinct qualities of river corridors
- d) historic landscapes
- e) topographic features, including important/ prominent views, vistas and panoramas

When assessing development proposals likely to have a significant impact on the landscape, the guidance contained in the Glasgow and Clyde Valley Landscape Character Assessment will be taken into account.

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special landscape qualities 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 amended to avoid or mitigate these impacts through being informed by a landscape and visual impact assessment.

Policy 37 - Delivering Green Infrastructure Through New Development

Green infrastructure provision should be informed by an appraisal of the existing natural features and eco systems services on and in close proximity to the proposed development site and fully incorporated into the wider design process at an early stage, in line with the approach to be set out in the Supplementary Guidance on Green Infrastructure.

Development proposals are required to provide open space in line with the standards to be set out in Supplementary Guidance on Green Infrastructure. The Supplementary Guidance will also set out circumstances under which off-site provision or a developer contribution towards green infrastructure will be provided.

Where opportunities exist, development proposals will be required to provide new paths linking to the active travel network. The provision of routes along water will be an essential requirement on development sites with access to a waterfront, unless not appropriate for operational or health and safety reasons.

Development proposals are required to demonstrate how naturalised features will be incorporated into SuDS provision, in order to provide additional benefits such as habitat creation and open space. Where a Suds proposal forms part of open space provision, it should be made safe and accessible.

The Supplementary Guidance on Green Infrastructure will set out how biodiversity enhancement can be incorporated into new developments, and the circumstances in which provision will be expected.

Green infrastructure proposals should be supported by information on how long term management will be achieved, including maintenance requirements, who will be responsible for meeting these requirements, and how they will be funded.

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

CONSULTATIONS

Head of Service - Roads and Transportation –

1. Parking should be provided in accordance with the National Guidelines:

1 bedroom	1 parking space
2-3 bedrooms	2 parking spaces
4 bedrooms	3 parking spaces

Visitor parking should be 0.25 spaces per dwelling.

2. The proposed development has 30no 3 bedroom properties. These require 2 parking space each.

The total parking required is 60 parking spaces and 8 visitor parking spaces.

The proposed parking is acceptable.

3. The minimum dimensions of parking spaces in the driveways shall be minimum 2.5m by 5.0m long per space. There should also be a minimum of 0.9m path past these parking spaces where the driveway forms part of the pedestrian access to the property. The proposed parking spaces are acceptable. This reduced standard is accepted as the properties include a 3,0m wide garage.
4. The driveway gradients should not exceed 10% and meet the road at 90 degrees. They should be fully paved. The proposed parking is acceptable.
5. The applicant has shown a visibility splay of 2.4m x 20.0m x 1.05m from each driveway associated with blocks 3 to 6 which is acceptable. Those in blocks 7 & 8 (Newark Street) should show a visibility splay of 2.4m x 43.0m x 1.05m from each driveway.
6. The parking spaces in both car parks should be 2.5m x 5.0m and there should be an aisle spacing of 6.0m. The proposed parking is acceptable.
7. Parking spaces for each plot should be identified on site to avoid future issues with residents.
8. For the garages to be counted as a parking space, it must be a minimum of 3.0m by 7.0m. The current garages do not meet this requirement and therefore cannot be counted within the parking provision. As the parking is satisfied on the driveway, the garage dimensions do not need to meet requirements.
9. Footways within the site should be a minimum of 2m wide.
10. The road width should be a minimum of 5.5m and the gradient should be a minimum of 8%.
11. We would not adopt the car park adjacent to block 1.
12. The applicant has shown a visibility splay of 2.4m x 43.0m x 1.05m from both accesses on to Madeira Street. This is acceptable.
13. The road offering access to blocks 3 to 6 should be taken via a junction and constructed in accordance with the National Roads Development Guide. A Road Construction Consent will be required.
14. Access to blocks 1 and 2 should be taken via a footway cross over constructed in accordance with the National Roads Development Guide. A Road Construction Consent will be required.
15. The turning head should be in accordance with the National Roads Development Guide. The turning drawings of a full size bin lorry are acceptable.
16. The revised tracking drawing (J5320-37 Rev C) for the vehicle entering and exiting the new road from Madeira Street is acceptable.

17. The FRA and DIA are acceptable noting that the location is low risk from sewer flooding, watercourse, coastal, surface water and tidal flooding. It is also noted that the development will not increase the volume of surface water run-off from the site and that the run-off rate will be restricted to 11.1l/s.
18. As part of the FRA and DIA, Inverclyde Council requires the applicant or the suitably qualified agent to certify that the Flood Risk Assessment and Drainage Impact Assessments have been carried out in accordance with the Planning Guidance for Developers, relevant documents and legislation using the Assessment Compliance Certificate. Submitted Assessment Compliance Certificate (App. C) is not certified by a Chartered Engineer (Engineering Qualification listed as MCIWEM). Independent Check Certificate (App. D) has been submitted and is noted that the FRA and DIA has been checked and certified by a Chartered Engineer which is acceptable.
19. Maintenance regime submitted are acceptable however drawings J5320-051 and J5320-045 / 054 do not appear to be uploaded to the planning portal.
20. Drainage layouts are acceptable now that the hydraulic modelling has been verified by an Independent Chartered Engineer (App. D).
21. All surface water shall be contained within the site.
22. Please confirm that the outlet pipe connecting to the culverted watercourse will be adopted by Scottish Water. This can be conditioned but needs to be confirmed before construction.
23. The proposed development will have an impact on the existing street lighting, accordingly a lighting and electrical design for adoptable areas will be required for each site. A system of lighting shall be kept operational at all times within the existing public adopted areas.
24. The street lighting plans show that the column relocations on Newark St may require a section 56 consent as they are out with the site boundary. We will require 24hr notice before any work on the existing circuits.

Head of Public Protection and Covid Recovery (Environmental Health) – Conditions recommended in respect of contaminated land, external lighting, noise and recommended advisory notes on site drainage, rats, drains and sewers, construction regulations, design and construction of buildings and electric vehicle charging points.

Scottish Water – No objection to this application. However, a formal connection application must be submitted following any grant of full planning permission to review the availability of capacity.

PUBLICITY

The application was advertised in the Greenock Telegraph on 21st October 2022 as the owner(s) of the application site could not be identified by the applicant.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. 10 representations were received. 9 objecting to the proposal and 1 neutral comment.

The concerns raised within the representations received are summarised below:

Design and impact on the impact on the Conservation Area concerns

- Is the site in the conservation area? If so, does the proposal design and materials align with conservation requirements?
- This proposal causes overdevelopment of the site.
- The proposed development presents a modern development which does not conform to the form, design or materials of the surrounding architecture.
- Development is not in character with neighbouring properties. These building are unsightly and out of place.
- Plans for the boundary are at best piecemeal, only preserving the existing boundary in some places and not others. The boundary onto Newark and Madeira Street should be afforded the same finish to reflect the surrounding conservation area.
- Concrete tiled roofs and the chosen facing brick are not sympathetic to the surrounding buildings.
- This proposal is similar to proposed development on the gardens of two properties on Eldon Street/Welbeck Street (13/0044/IC). The key difference is this site is excluded from the Conservation Area. To ignore the context of the appeal would make a mockery of the Conservation Area and all that it stands for in protecting local heritage and architecture.

Roads, traffic and parking concerns

- Insufficient parking provision within the site. Madeira Street and Newark Street will become areas of overflow parking.
- Existing off-street parking provision for existing homes will be lost. The proposal will cause a reduction of on-street parking provision. Blocks 7 and 8 will eliminate over 50 metres of on-street parking as does the location of proposed access roads on Madeira Street. This will increase on-street parking elsewhere.
- The properties facing on Newark Street present a safety issue to road users and pedestrians as the 'nose-in' parking will mean vehicles will have to cross the pavement and reverse onto the road. The proposed beech hedging on the boundaries plus the bin stores will further restricts visibility. This adds to safety concerns.
- The proposed installation of a mini-roundabout at the junction of Bentinck Street and Newark Street will further prohibit parking areas adjacent to it. Whilst separate matters, the cumulative effect of both proposals on parking provision and safety should be considered together.
- There is little provision for visitor parking.
- A reduction in the number of proposed houses would allow more on-site parking provision.
- No consideration for the increase traffic, loss of on-street parking and the impact of this on the environment.

Residential amenity concerns

- Lack of amenities and services to support new residents.
- Loss of light and privacy from Blocks 7 and 8 into no's 30, 32 and 34 Newark Street.
- Due to the East/West orientation of the blocks and other constraints 12 plots have their bins situated right at the front entrance of their plot and 2 of them have bins sited across the road at the front of the house.

Environmental concerns

- The terracing of the houses is 'sold' for its eco credentials. In reality it appears to be cramming in as many houses as possible. If energy efficiency is at the forefront why not gold standard instead of silver? Why not triple glazing instead of double? Will solar panels be up and running or up to households? Is there only provision for, but not fitting of, electric charging points? Is the proposed 60 year life span really contributing to sustainability? Any new projects should be completed to the highest ecological and environmental standards.

- There will be major groundwork taking place on-site disturbing topsoil. There is no provision to limit airborne particles of asbestos while this work is being done. Concern for ground contamination and the risks to human health.
- What will happen if residents decide to cultivate their garden plots?
- The dust mitigation affecting off-site residents lacks sufficient detail when compared to the level of risk posed from earthworks and potential windblown hazards resulting from asbestos disturbance. A construction programme with start and end dates is required as there will be noise disturbance and air pollution to neighbouring residents.
- Flood risk concerns. The proposal is likely to increase flooding off-site to the north-west of the site under existing ground conditions and elevations.
- Inverclyde Council have been neglectful in the control of overgrowth throughout the site and residents adversely affected by this in terms of loss of amenity due to encroachment. I refer specifically to the tree survey and the Irish Yew and Cherry Laurel (ref 6509 and E1 respectively) which have been unmanaged and reached heights of 8-10m. Please confirm intention to remove these trees.
- The trees on the site have probably been there since Greenock Academy occupied the site in the mid-1960s. Why not adopt a better plan that retains the trees?

Procedural concerns

- The notification/publication has not been followed correctly as no site notice was posted at the site.

Other concerns

- There is no provision for social housing. Inverclyde Council should seek to create mixed housing rather than a little "gated community" within the West End.
- Fewer homes, all accessed from Madeira Street could be supported.
- The Planning Statement states in para 2.1 that the Former Greenock Academy was demolished sometime within the last 10-15 years. How difficult would it have been to make enquiries to find out that the building was demolished in spring 2015?
- It is stated that the closest named watercourse to the site is Firth of Forth and starting on Albion Street. This is the wrong Firth, and the nearest Albion Street is in Glasgow. Our street name is also often wrongly recorded as Newark Drive. This questions the validity of the research.

I will address these concerns within my assessment.

ASSESSMENT

The material considerations in the assessment of this application are national planning policy, National Planning Framework (NPF) 4 which was approved for adoption by the Scottish Parliament on 11 January 2023; the adopted 2019 Inverclyde Local Development Plan; the proposed 2021 Inverclyde Local Development Plan; the adopted and draft Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", the visual impact, the impact on residential amenity, the consultation responses, the representations received and the applicant's supporting documentation.

Policy context

NPF 4 facilitates and supports the redevelopment of brownfield land which is well-connected by sustainable transport options. It also promotes a range of attractive, well-designed, energy efficient, good quality housing contributing to the creation of successful and sustainable places.

The Spatial Development Strategy of both the adopted and proposed Plans directs residential development to existing built-up areas in the first instance. Policy 17 additionally offers with support

in principle for proposals to bring brownfield sites in the urban area back into beneficial use. As a brownfield site, within an urban area, in a sustainable location and allocated for residential development the proposal therefore accords with in principle with this strategy, with Policy 17 and with the principles of NPF4. Policy 18 of the proposed Plan advises that in order to enable delivery of the 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. This site is included in Schedule 3 of the proposed Plan with an indicative capacity of 30 dwellings. Policy 18 goes on to require all proposals for residential development will be assessed against relevant Supplementary Guidance. In relation to affordable housing provision it further states that the requirement for 25% of houses on greenfield housing sites in Inverclyde villages to be for affordable housing. The proposed Plan reflects the most up-to-date Housing Need and Demand Assessment and on this basis it is considered that, as this site is brownfield and outwith the Inverclyde villages there is no requirement for affordable housing provision within this site.

Policy 1 of the adopted and proposed 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; "Resource Efficient" in making use of previously developed land; "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.

Design and layout

Successful residential layouts require well designed buildings in a setting of gardens and open space and within a framework established by landscape features and road layout, all recognising the impact on neighbours. The site is located within an existing urban and established residential area where there are a variety of house types including detached, semi-detached, terrace and flatted properties, predominately 2 or 3 storeys. The surrounding urban form, particularly within the adjoining 'Central Character Area' as defined within the Greenock West End Conservation Area Appraisal (2016) follows a regular grid pattern with a relatively higher density/smaller plot size with buildings close to the street line creating a strong street frontage with roads, parking and private amenity space set behind the buildings. The building types are defined as 1.5 storey cottages, 2 storey detached and semi-detached houses, some short terraces and some 3 storey tenements. The orientation of the built form is generally sensitive to the topography and an east to west orientation of buildings is evident to reflect the natural topography, maximise sunlight provision and to take advantage of the attractive outlook over the River Clyde.



View south-west from the junction on Madeira Street/Newark Street



View south from Newark Street



View north- west from Madeira Street

Overall, I consider the proposed development to follow this theme with an apparent grid pattern which follows the natural topography of the site by defining three distinct levels or tiers for development through land engineering works and the installation of retention walls to the rear of plots. Stepped level gardens which incorporate a small central 0.55m retaining wall assist in reducing the level of retention required at the rear of plots and in reflecting the natural sloping topography of the site. Buildings are located close to the street along Newark and Madeira Street as well as onto the new road and proposed central road within the site, contributing to a welcoming environment. The shared car parking area at the eastern boundary at the southern end of the site is an exception to this, however, the soft landscaping proposed at this boundary promotes the screening of the parking area. The smaller two storey with room in the roof houses and adjacent amenity space are proposed at the highest point of the site (south) to minimise visual dominance with the drainage provision naturally at the lowest point, at the south-eastern corner of the site. The site's varying topography and surrounding road layout has therefore to a large extent informed the proposed form and layout. The Head of Service - Roads and Transportation is content that the roads layout and parking provision is in accordance with the Council's and National Roads Development guide. I therefore consider it to largely reflect the local urban form and distinct natural features, in accordance with the 'Distinctive' factor of Policy 1.

Whilst the design of dwellings is contemporary and presents a variation in house type to the surrounding architecture in that three storey town houses are proposed (predominately) I consider that the overall layout, form and design i.e., the short terrace rows, low pitched roofs to form a compatible and acceptable addition to the built form in terms of residential density, form and scale. With respect to use of materials, the similar palette proposed throughout the development is acknowledged to balance the varying levels throughout the site. I consider the buff coloured facing brick to provide a visual link and reference to the blonde sandstone villas which lie opposite to the site on Newark and Madeira Street. The facing brick and concrete roof tiles similarly reference the adjacent properties on Dungourney Drive and the grey coloured uPVC windows and doors to reference the grey cladding on the adjacent Glenpark Early Years Centre. In any case, however, it is appropriate that the final choice of external materials is controlled by condition to gage a more accurate visual representation.

As an element of design, Policy 6 of both Plans seek to ensure that all new buildings are energy efficient through the installation of low and zero carbon generating technologies and 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. I acknowledge that PV solar panels and electric charging outlets are incorporated within the proposed development. A condition can address that this requirement is met.

Policy 21 of the proposed Plan seeks the provision of 5% wheelchair accessible housing on new development sites of 20 or more units. I acknowledge that each dwelling contains a barrier free access and the gradients of driveways are acceptable. The applicant further contends that each dwelling has been designed to be capable of accommodating changes in lifestyle and mobility. With regards to internal configuration of properties wheelchair accessibility will be assessed fully within the building warrant application to ensure Scottish Building Standards are met. A condition can address that this requirement is met prior to the occupation of the final dwellinghouse.

Garden boundaries between plots are defined by common beech hedging within the front curtilage and 1.8-metre-high timber fencing at side and rear boundaries. The existing brick wall/railing at the north and eastern boundaries of the site is to be removed and retained only between plot 30 and the gas governor. The 1.8m metal fencing to the southern and western boundaries is to be retained with crib walls, hedging and street trees proposed to provide further amenity screening. The northern boundary is to remain relatively open and unbound to the street. The new road within the development will be formed in monoblock as a shared surface which differentiates this residential street from Madeira Street that provides the access to the site, defining a hierarchy within the streets and contributing to a sense of place. Overall, I am satisfied that the boundary treatments proposed are appropriate in the context of the wider residential area. Whilst the retaining walls are large, the garden sizes are approx. 10 metres depth in most cases and the proposed planting of the crib walls I consider to on balance, retain the natural topography of the site whilst creating usable garden ground with an overall acceptable visual aesthetic for new and surrounding residents.

Assessing against the adopted and draft PAAN 3, I am satisfied that the requirements for garden space provision around the individual dwellings and separation distances between properties have been met within the proposed layout according with the guidance as set out in PAAN 3. I am also satisfied that the scale, position, orientation and separation distance between new and existing properties poses an acceptable impact without creating any overshadowing or privacy implications.

In respect of open space provision, the required provision for the development (as per PAAN 3 and based on the population of the development) is 0.26 hectares of public open space and 0.049 ha of play space. The total provision for both is 0.19 hectares within the development in the form of three amenity spaces and pockets of green edging and soft landscaping. Given an overall 1190 square metre shortfall it is recognised that the requirements of PAAN 3 are not met in respect of the combined size of the areas of public open space and play space provision. It is therefore considered appropriate that public open space be accounted for solely within the site and that this development presents a circumstance, as advised in PAAN 3, where developers make a contribution to the existing or new off-site play provision in lieu of providing on site provision. There is existing play provision at

Newton Street/Fox Street approximately 300m from the site which will provide play opportunities for new residents. I am satisfied that a contribution towards the provision, maintenance or improvement of existing play provision is appropriate in this case given the shortfall. The applicant is also agreeable to this approach. A figure of £15,142.40 is deemed the appropriate amount to address this matter. Procedurally, this can be addressed by the conclusion of a legal agreement prior to issuing planning permission.

Whilst this agreement addresses the play provision requirement I acknowledge that the public open space provision requirement of PAAN 3 are not fully met with around 1900 square metres of public open space provided leaving a 700 square metre shortfall. Notwithstanding this, open space which provides for informal recreation and play, together with a setting for the new buildings is achieved and appropriately located within the layout. In fully considering the amenity of the new residents, I am mindful that Greenock Cricket Club, Newton Street/Fox Street play area and Lyle Park are all located within around 300 metres of the site via existing footpaths on residential roads, provides an extensive area for outdoor recreation together with play provision. In this context, I consider that a departure from the full requirements of the adopted and draft PAAN 3 can be justified in this instance. In respect of soft landscaping within the site, the applicant has set out a landscaping strategy. Notwithstanding what is set out, a condition can address the final details of this together with its implementation and maintenance. This additionally ensures that the overall aims and intentions of Policy 36 of the adopted Plan and Policy 37 of the proposed Plan are met.

Overall, I consider that the wider visual impact of the development on the site and its surroundings to be acceptable and to create a development which reflects the surrounding urban form, retains the locally distinctness of the site. I am further satisfied that the layout of the development will not result in any unacceptable impact on the amenity of existing residents and that a suitable level of amenity will be achieved for new residents.

Landscaping and Ecology

Examining the landscape and setting, the proposed landscaping plan and planting details are appropriate in terms of location, species and maturity of planting and will contribute positively. The screening of the development from the surrounding roads, softening of the boundaries with the integration of trees at prominent boundaries takes account of the local landscape character and setting of the surrounding urban form. The amenity spaces are also considered to be appropriately spaced throughout the development and appropriately overlooked by the surrounding development in accordance with PAAN 3. The implementation, maintenance and management of landscaping proposals can be secured by condition.

Considering ecology, I note that the site has no natural heritage or landscape designations. For non-designated sites such as this Policy 33 of both the adopted and proposed Local Development Plans indicate that the siting and design of development should minimise adverse impacts on wildlife as well as being designed to conserve and enhance biodiversity. I also note the concerns raised by representation, regarding the impact on ecology within the site. The applicant has undertaken an Ecological Constraints Survey and a Tree Survey in support of the proposal.

The Ecological Constraints Survey concludes that the proposed development is unlikely to directly affect any statutory designated sites or species; it was noted that semi-mature trees and individual trees are likely to provide important habitats for nesting birds within the local context; and open mosaic habitats will not be affected by the proposed development. The applicant therefore considers that, no licence is required yet a 'Tool Box Talk' shall be given prior to the commencement any of works and should any signs of protected species be found during site works, all works should cease immediately and suitable contacts informed. All trees and hedgerows be retained where possible and that the removal of trees and other vegetation be avoided during the bird nesting season (March-September). Should this not be possible a nesting bird survey shall be undertaken no more than 48 hours prior to any work being undertaken on site by a suitably experienced ecologist. If the proposed works have not commenced within 12 months then the project ecologist should be contacted to determine the requirement for a repeat ecological surveys. Enhancement measures will be

committed to and managed through a Habitat Management Plan to ensure maximum biodiversity value. I concur with these requirements and I am satisfied that these matters can be addressed by condition. Whilst incorporation of biodiversity enhancements into the design is advice and not required as a planning condition, but it could be included as a recommendation. This matter can thus be addressed by advisory note.

The Tree Survey further acknowledges that the trees within the site are not protected and they could be removed by the landowner independently of any planning application for the redevelopment of the site. Concern of the loss of existing trees has also been raised by representation. Notwithstanding this, Policy 34 of the adopted Plan and Policy 35 of the proposed Plan set out the Council's support for the retention of woodland and other trees that have significant amenity, historical, ecological, landscape or shelter value. The Policy goes on to set out the criteria for assessing development proposals affecting the above. It is accepted that the trees have some amenity value within the area. However, this site is also an identified residential development opportunity within the proposed Local Development Plan with an indicative capacity of 30 dwellings, a figure which accords with the current proposal. Having fully reviewed the development proposals with reference to the locations of the trees on site, it is clear that they occupy the same areas within the site as the proposed dwellings and associated infrastructure which cannot be constructed unless the trees are removed across the site. The public benefits in seeking to support new residential development in order to meet Inverclyde's housing needs outweigh the loss of the unprotected trees on this site and compensatory planting of trees of a suitable native species and appropriate for a residential setting has been provided as part of the landscaping scheme for the development which, as noted above, is accepted and can be secured by condition.



View of trees within the site from Madeira Street

The development of this brownfield site within the settlement boundary will not adversely impact on biodiversity and ecology and subject to appropriate conditions, the proposal is considered compliant with Policies 33, 34 and 36 of the adopted Plan and Policies 33, 34, 35 and 37 of the proposed Plan in minimising adverse impacts on wildlife and habitats.

Traffic, parking and road safety

I am principally guided by the consultation response from the Head of Service - Roads and Transportation. I note there is no objection in principle when assessing the impact on the local road network and road safety. There are also no objections to the access arrangements of the site or in respect of meeting the requirements of the Roads Development Guide. Adequate parking provision is made within the site for residents and visitors. Adequate visibility splays have also been

demonstrated by the applicant. Matters in respect of the retention of visibility splays, gradients, parking space dimensions and timely completion for use can be addressed by condition. Other matters raised by the Head of Service - Roads and Transportation in respect of street lighting and associated consents are addressed via separate legislation.

A range of traffic and road safety concerns have been raised in the public objections, however the Head of Service - Roads and Transportation raises no concerns regarding any knock-on effect in respect of parking or traffic.

Transport and Connectivity

Buses serve Newark Street and there are two railway stations as well as Greenock's Town Centre within a 20-minute walk of the application site. The site therefore is well connected to local destinations and facilities with onward connections to Gourock, Port Glasgow and Glasgow. I am therefore satisfied that the development is provided in an appropriate location within an established settlement accessible by means other than the private car. In addition, I consider it appropriate for a travel information pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes to be provided to the residents of the new dwellings. This can be addressed by condition. Overall, I consider there to be no conflict with the aims and objectives of Policies 10 and 11 of the adopted Plan and 11 and 12 of the Proposed Plan as well as with Policy 15 of NPF4 in creating a "20-minute neighbourhood."

Flooding and Drainage

With respect to flooding and drainage, the applicant has submitted a flood risk assessment and drainage impact assessment in support of the application. The Head of Service - Roads and Transportation has considered flood risk and drainage impact issues and confirms contentment that there is no flood risk to the development or resulting from the development and that drainage can be satisfactorily addressed, subject to the use of appropriate conditions in respect of the final details. I am therefore satisfied that there are no flooding or drainage implications, and the proposals are therefore considered to accord with Policies 8 and 9 of the adopted Plan and Policies 9 and 10 of the proposed Plan.

Other matters raised in consultation responses

Considering the outstanding consultation responses, The Head of Public Protection and Covid Recovery does not highlight any concerns over and above the standard need for site investigation associated with any brownfield site. Notwithstanding the applicant's submissions in support of the application, it is recommended that matters in respect of potential site contamination and Japanese Knotweed are addressed by condition. I am happy to take this approach to ensure that these are fully addressed. In this respect, I consider that the proposals comply with the requirements of Policy 16 of the adopted Plan and Policy 17 of the proposed Plan in respect of ground contamination being addressed. In respect of bin provision, the proposed site plan indicates this is accommodated within mainly private garden areas, within the integrated garages, or in some cases, within the front curtilage of plots. Matters relating to external lighting can be addressed by advisory note. Noise from the construction site is addressed by the Head of Public Protection and Covid Recovery via separate legislation.

Other issues

A number of other issues and concerns, not yet covered in my assessment above, have been raised by representation. With reference to application 13/0044/IC, the refusal of the sub-division of an existing residential plot within the Conservation Area for the erection of house is not considered similar to this proposal, a designated site for residential development. Design, layout and materials are material considerations and have been appropriately assessed above with consideration the location of the site immediately adjacent to and visible from the Conservation Area. With regards to the location of bins, during the assessment of the application bin storage has been relocated in most

cases to the integral garages or are located within the side and rear curtilage of each plot. An exception to this is two plots (Plot 2 and 5) where bins are located on an area of hardstanding opposite the plot. I consider this to be acceptable with no adverse implications to residential amenity which could warrant the refusal of planning permission. I am satisfied that on compliance with the requirements of Policy 6 the proposal is acceptable in terms of energy efficiency. A site notice is only displayed at an application site for a planning application if it is located within a conservation area or affects the setting of a listed building. Neither of these situations applies to this planning application 22/0234/IC and a site notice is therefore not required. There is no Local Development Plan requirement for affordable housing at this site. Whilst some inaccuracies were noted within the applicants supporting information none have any bearing on the assessment of the application and are not material to the assessment and determination of the application.

Conclusion

In conclusion, the proposed redevelopment of this brownfield site within the settlement boundary and comprising a residential development opportunity within the proposed Local Development Plan comprises sustainable development and presents no conflict with the provisions of NPF4, the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan. A departure from the full requirement of both the adopted and draft PAAN 3 in respect of open space provision can be justified. The application site is within an existing residential area and, subject the appropriate use of conditions, the proposed development is acceptable in terms of design, density, access and parking provision, residential amenity, flooding and drainage and ecology. Whilst I am mindful of the objections received, there are no material considerations which suggest that planning permission should not be granted, subject to the conclusion of a legal agreement relating to the contribution towards off-site play provision and the conditions set out below.

RECOMMENDATION

That subject to the conclusion of a legal agreement relating to the contribution towards off-site play provision the application be granted subject to the following conditions:

1. That prior to their use on site, details of all external materials (inclusive of houses, boundary treatments, walls, paving and hard surfacing) shall be submitted to and approved in writing by the Planning Authority. Development thereafter shall proceed utilising the approved materials unless an alternative is agreed in writing by the Planning Authority.
2. That prior to each dwellinghouse hereby permitted being occupied, all new roads and footways and parking provision leading to it and for it shall be surfaced to a sealed base course.
3. That within 4 weeks of the last of the dwellinghouses hereby permitted being completed, all roads and footways within the application site shall be completed to a final wearing course.
4. That all visibility splays as approved shall be maintained and kept clear of obstruction at all times in the future to the satisfaction of the Planning Authority.
5. Blocks 7 & 8, facing Newark Street, shall achieve a visibility splay of 2.4m x 43.0m x 1.05m from each driveway and accord with condition 4.
6. Driveway parking spaces shall be completed and available for use prior to the occupation of each associated dwellinghouse and visitor parking spaces shall be completed and be available for use prior to the occupation and completion of the final dwellinghouse. All parking spaces shall remain as per the approved dimensions, free from obstruction, be identified on site to dwelling, and as per the approved dimensions and available for use at all times thereafter.

7. That all roads and footpaths shall have a gradient not more than 8% and all parking spaces (driveway and visitor) shall have a gradient of not more than 10%.
8. That prior to the commencement of development full details of the landscaping scheme shall be submitted to and approved in writing by the Planning Authority. Details of soft landscaping shall include species of trees and bushes to be planted and should be approved by the Planning Authority prior to planting. The approved scheme shall thereafter be implemented in full prior to the occupation of houses.
9. That any of the landscaping approved in terms of condition 8 above which dies, is damaged, becomes diseased or is removed within the first 5 years of planting shall be replaced within the following planting season with plants of a similar size and species.
10. Details of maintenance and management for the landscaping be submitted to and approved in writing by the Planning Authority prior to the start of construction of the development hereby permitted. Management and maintenance shall commence upon completion of the landscaping.
11. That all surface water run off shall be intercepted within the site both during construction and on completion of the development.
12. That prior to the commencement of works on site Scottish Water's approval of the drainage regime shall be submitted to and approved in writing by the Planning Authority. Confirmation is required that the outlet pipe connecting to the culverted watercourse will be adopted by Scottish Water.
13. The recommendations in respect of the "toolbox talk" and requirements for future surveys set out in the "Discussion and Recommendations" section of the submitted Ecological Constraints Survey report by Wild Surveys dated 9 May 2022 shall be fully followed to the satisfaction of the Planning Authority.
14. If the existing trees are to be removed during the bird nesting season March to August shall be preceded by a nesting bird survey the methodology and findings of which shall be submitted to the Planning Authority.
15. That the dwellinghouses hereby permitted shall be 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, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the first house on site.
16. That 5% of the development is wheelchair accessible housing. Details of which shall be submitted to and approved in writing by the Planning Authority prior to the occupation of the final two dwellinghouses.
17. That no part of the development shall be occupied until the contents of the Travel Information Pack which encourages reduced dependency on the private car by highlighting the location of local amenities, public transport services and active travel routes is submitted to and approved in writing by the Planning Authority. Thereafter, on the occupation of each dwelling, the approved Travel Information Pack shall be provided to new residents.
18. That each of the dwellinghouses hereby permitted shall be provided with an electric vehicle charging point prior to its occupation.
19. 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.

20. 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.
21. That before the development 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 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.
22. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and a Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

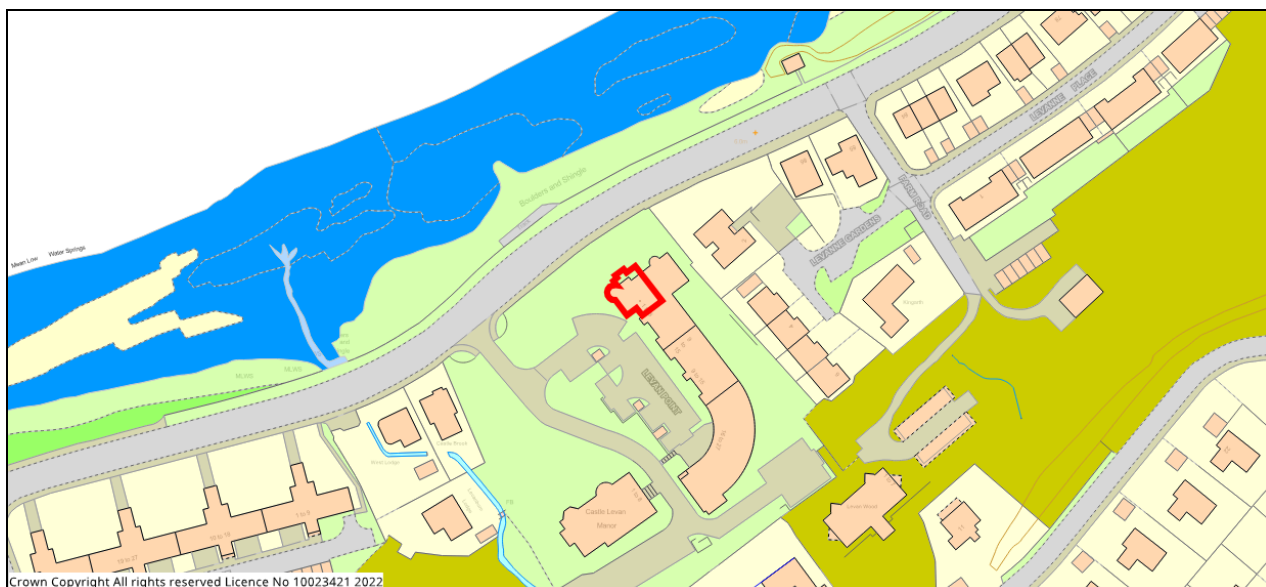
Reasons

1. To ensure the external materials are appropriate in the interests of visual amenity.
2. In the interests of vehicular and pedestrian safety.
3. In the interests of vehicular and pedestrian safety.
4. In the interests of vehicular and pedestrian safety.
5. In the interests of vehicular and pedestrian safety.
6. To ensure suitable parking provision, in the interests of road safety.
7. To ensure suitable road, footpath and parking space gradients, in the interests of road safety.
8. In the interest of visual amenity.
9. In the interests of visual amenity.
10. In the interests of visual amenity.
11. To avoid surface water run-off from the site in the interests of avoiding flooding.
12. To ensure the implementation of the drainage regime in the interests of avoiding flooding.
13. In the interests of the protection of European Protected Species.
14. In the interests of the protection of nesting birds.

15. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
16. To facilitate wheelchair accessible housing in accordance with Policy 21 of the proposed Plan.
17. To encourage sustainable travel behaviour.
18. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
19. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
20. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
21. 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.
22. To ensure that all contamination issues are recorded and dealt with appropriately.

Stuart W Jamieson
Director
Environment and Regeneration

Report To:	The Planning Board	Date	1 March 2023
Report By:	Director Environment & Regeneration	Report No:	22/0280/IC Plan 03/23
			Local Application Development
Contact Officer:	David Sinclair	Contact No:	01475 712436
Subject:	Proposed installation of French doors and footpath connecting new doors to existing patio at 1 Levan Point, Gourrock.		



SUMMARY

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Fifteen objections have been received raising concerns over impacts on amenity, design and impacts on communal garden grounds.
- The recommendation is to GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=RMVS2XIMJ2T00>

SITE DESCRIPTION

The application site comprises a ground floor flatted property and an adjoining area of garden ground on the north-west side of the property, located in the north-west corner of a 'J' shaped residential building on the south side of Cloch Road, Gourrock. The building was constructed around 2000 within grounds which were formerly part of the Category 'C' listed Cloch Road, Castle Levan and West Lodge to the south-west. The building is a mixture of two and three storeys in height and split into three blocks, with each block being one storey taller than the adjoining block to the north. The building is finished with a grey slate roof; a mixture of buff stone and white render walls; white timber sash and case windows with buff stone sills, lintels and mullions; and black uPVC rainwater goods. The site also forms the ground floor level of the curved three-storey tower positioned in the westernmost corner of the site.

Each apartment in the building contains a small balcony framed with a white metal balustrade, accessed from a white uPVC door paired with a fixed single pane window. The framed balcony within the application site is located on the south-west side of the property.

The applicant's flat also contains a set of French doors on the north elevation which adjoins a paved patio set at garden ground level covering an area of approximately 10.2 square metres. The French doors were granted planning permission in November 2021 under application 21/0281/IC and the patio was granted planning permission in August 2022 under application 22/0111/IC. A further application was refused in November 2022 for an additional set of French doors and to increase the previously consented patio area to approximately 21.7 square metres.

The adjoining garden ground between the building and Cloch Road is raised relative to Cloch Road by approximately 0.4 metres and sits on a gentle north facing slope. The application site is set back from Cloch Road by approximately 11.5 metres.

PROPOSAL

Planning permission is sought to enlarge the existing bedroom window opening between the existing French doors and the curved corner tower on the north-west elevation to form an additional entrance and to form an area of hardstanding in the form of a footpath between the enlarged opening and the existing patio. This application is a resubmission of the previous refusal, with the extension to the patio area having been removed and replaced with a footpath to provide access between the proposed entrance and the existing patio. The window opening is to be extended downwards to ground floor level and will contain a set of French doors finished in white uPVC which matches the design of the doors which were approved in November 2021.

The footpath is proposed to measure approximately 3.5 metres in length by 0.9 metres in width and will be formed from Indian Sandstone slabs that match the existing patio materials.

DEVELOPMENT PLAN POLICIES

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

Policy 16

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

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.

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 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.

CONSULTATIONS

None required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. 15 representations were received from 17 individuals objecting to the proposal. The grounds of objection are summarised as follows:

Amenity Concerns

- The proposal would afford the opportunity for unacceptable levels of noise and activity to take place directly below neighbouring residential windows to the detriment of residential amenity.

- Smells from the barbecue and food being left from picnics could attract vermin.
- The proposal conflicts with Policy 20 of the proposed Local Development Plan as it still creates a large social space linking two rooms with a wide pathway that has the potential for being used as an extension to the existing patio.
- Two entry points will encourage traffic and noise from occupants.
- More space for parties to be held.
- The complex is a quiet, safe place for retirees to live and should remain that way.
- Objections to the width of the proposed path. The footpath if allowed should be restricted to a single slab of 450mm width.
- The plan would require removal of well established plants and shrubbery which currently prevent persons from using this area of common ground ensuring that co-owners can enjoy the pleasant, landscaped surroundings of the building's frontage.

Design Concerns

- The proposal would alter the appearance of the original building.
- The balanced appearance of the front will be negatively impacted and take away the premium feel of this beautiful location.
- The proposal would spoil the symmetry of the attractive red sandstone windows as they were originally designed and built.
- The plan of the proposed changes does not give the dimensions of the path. It appears to effectively enlarge the patio by about 30%.

Procedural Concerns

- The drawings which accompany this application do not include dimensions and are therefore incomplete and incompetent.
- Concerns over the path being as large (or even larger) than the patio which was refused in a previous application. The application should be rejected for the same reasons as the previous application.
- Inverclyde Council is not concerned with the legality of land ownership and invites the landowner(s) to take legal action if they feel that Inverclyde Council has made an inappropriate decision.
- While Inverclyde Council and its employees may be acting within the letter of the law, it does appear that they may be condoning annexation of land by means which could be considered as irregular. Should this application receive approval, the Secretary of State for Scotland will be requested to look into the matter of this and earlier applications and report regarding the manner of Inverclyde Council's decision making.
- Planning permission to enlarge the patio has already been denied and any extension whether called a path or a patio extension should be denied on the same grounds.

Other Concerns

- The applicant does not own the land and should not be allowed to make changes to communal ground.
- The land is shared by all 26 residents not for one resident to do as they choose.
- The applicant is trying to make common ground their own.
- The proposed changes would require the use of communal ground and permission to use it has neither been sought or granted.
- Impacts on property values.
- The need for an additional entrance.
- The applicant has already built a small patio without the permission of the other owner residents.
- Concerns over the modifications to the building requiring building regulations approval.
- There are elderly residents who overlook the proposal.
- Yet another land grab of commonly owned property. Council approval only legitimises this anti-social behaviour, and makes life more unpleasant for other owners.
- The proposal is just an effort to circumvent the rejection of application 22/0213/IC.

ASSESSMENT

The material considerations in determination of this application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP); and the representations received.

The application site is located within an established residential area where Policy 16 of NPF4, Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP apply. Policy 16 of NPF4 supports householder development which does not have a detrimental impact on the character of the home and surrounding area in terms of size, design and materials and does not have a detrimental impact on neighbouring properties in terms of physical impact, overshadowing or overlooking.

Policy 1 of both LDPs requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance. The qualities of being 'Distinctive' and 'Safe and Pleasant' are relevant to this proposal and there are no relevant supplementary guidance notes. In the adopted LDP, the relevant factor to be considered 'Distinctive' is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors are whether the proposal respects landscape setting and character, and urban form; and reflects local vernacular/architecture and materials. To meet the quality of being 'Safe and Pleasant', in both LDPs, the proposal should avoid conflict with adjacent uses by having regard to adverse impacts that may be created by noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing. Policy 20 requires the proposal to be assessed with regard to potential impacts on the amenity, character and appearance of the area.



View of the building from Cloch Road. The window in question is identified above.

The proposal is to be located on the north side of the building which faces onto Cloch Road, forming part of one of two elevations visibly prominent from the public realm. In considering the quality of being 'Distinctive', with regard to impacts on landscape setting and urban form, the proposal will involve converting an existing ground floor double window into a set of internally opening French doors which do not project beyond the existing building line. The footpath is to be constructed at the same level as the existing patio area in front of the building and will not be raised relative to the adjoining grassed area between the site and Cloch Road. The footpath is to be set back from the front boundary with Cloch Road by approximately 13.5 metres, around

half a metre back from the existing patio. Based on the above, I consider that the proposal will not significantly impact on the overall appearance of the streetscape and can therefore be considered to reflect the urban form of the area.

In considering whether the proposal reflects local architecture and materials, I note the proposed French doors will match the French doors located in the adjoining opening to the north-east in terms of design, materials and finishes and will have a similar visual impact on the building. This choice of materials also matches the rest of the windows and doors on this elevation and as such, can be considered to reflect the local architecture and make use of appropriate materials. I consider the proposal complies with all relevant factors with regard to meeting the quality of being 'Distinctive' in Policy 1 of both LDPs, as well as Policy 16 of NPF4.

In considering the appearance of the proposal (Policy 20 of the proposed LDP), I note the concerns raised over the original building being altered, a loss of balance to the frontage and impacts on the symmetry of the sandstone windows. The building is of a bespoke design and the elevation which the proposal is to be sited on is asymmetrical, containing two and three storey sections and two projecting curved bay windows which differ in scale and relative position on the building. The building contains three columns of window and door openings over three floors between the curved bays that match in width, with the south-western set of double windows at ground floor level being the subject of this proposal. These openings contain doorways in the central column at ground floor level and the south-west column at second floor level. The proposed doorway will maintain the width and height of the opening, being enlarged downwards to ground level. The enlargement will be largely obscured by the established planting. Taking this into consideration, I am satisfied that the proposal does not negatively impact on the overall balance of this elevation and as the choice of materials and finishes proposed reflect those currently on the building, it can be considered to have an acceptable impact on the character and appearance of the building. It stands that the proposal accords with Policy 20 of the proposed LDP in this regard.

In considering the impacts of the proposal on neighbouring amenity and whether the proposal meets the quality of being 'Safe and Pleasant', I note the concerns raised in the objections over increased activity and noise causing disturbance to neighbouring properties. The footpath is to measure 0.9 metres in width and will extend from the side of the existing patio providing access between the patio and new French doors. I consider the proposed footpath to be an appropriate width for providing access and not of a size that would encourage its use as an extended area of the existing patio. The size and shape of the footpath would not afford the capability of hosting larger gatherings of people beyond that of the existing patio and whilst I note the concerns raised in the objections over increased noise and activity, I do not consider the proposal to be of a scale which would result in undue noise and disturbance to neighbouring residential properties.

In considering the concerns raised over odour nuisance from persons barbecuing, the existing patio area is currently used for undertaking these activities and the proposal itself is not considered to raise any concerns in terms of creating conflict in this regard. I am satisfied that the proposal can be implemented without creating conflict with neighbouring properties in terms of odours.

Based on the above, I consider that the proposal is unlikely to create conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it stands to meet the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs, as well as Policy 16 in NPF4. As the proposal is considered to meet all relevant qualities of successful places it stands to accord with Policy 1 of both LDPs. Furthermore, the proposal can be considered to have an acceptable impact on the amenity of the area and therefore accords with Policy 20 of the proposed LDP.

Turning to points raised in the objections not yet addressed, matters concerning building regulations are to be addressed by the Council's Building Standards Service, however I note that a building warrant has been submitted for the proposed works to the building. Any impacts of a proposal on property values, the type of persons living in neighbouring properties and

questions over the need for an additional entrance to the applicant's property are not material planning considerations.



View from communal area across the application site.

With regard to the points raised over a lack of dimensions being provided on the drawings, there is no requirement for annotated dimensions to be provided on drawings submitted as part of a planning application. Providing drawings are drawn to an appropriate scale and include the relevant scale bar to allow accurate measurements to be taken from the drawings the drawings are competent. All drawings submitted with this application have been drawn to an appropriate scale and contain the relevant scale bars to be accurately measured.

Regarding the comments received relating to land ownership disputes and issues related to the removal of shrubs and bushes within communal grounds and the use of communal grounds for personal use, these are civil matters to be discussed between the parties involved and are not planning related considerations, however it is noted that the proposal is located on communally owned grounds and the applicant has acknowledged they do not have full ownership of the site. I note that the proposal does not form any means of enclosure or restrict access to any part of the communal gardens. Anyone may make a planning application even if they have no legal interest in the site in question, although, the landowners must be formally notified before an application can be considered by the local planning authority. Neither is lack of ownership a material consideration in the determination of a planning application, even if there is doubt as to the feasibility of acquisition of land forming a site. Procedurally, I am satisfied that the information provided in the ownership certificate acknowledges this and does not prevent the application from being considered on this basis. The granting of any planning permission does not grant property rights, which would be a civil matter to be discussed and resolved between the relevant parties.

I note the points raised in the objections over a previously refused application. Although this is a material consideration, the simple fact that the application has been submitted following a previous refusal is not grounds in itself for refusal. Each planning application is to be assessed on its own merits and it is required to be considered whether the changes to the proposal sufficiently address the reasons for refusing the previous application. Taking into account all of the above assessment, I consider that the proposal as submitted is materially different from the previously refused proposal and appropriately addresses the reasons for refusing the previous application.

In conclusion, the proposal is in accordance with Policy 16 of NPF4, Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal accords with all relevant Plan Policies and there are no material considerations which would warrant refusal of this application, planning permission should therefore be granted subject to a condition.

RECOMMENDATION

That the application be granted subject to the following condition:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Stuart W Jamieson
Director
Environment & Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.

Report To: The Planning Board

Date: 1 March 2023

Report By: Director
Environment & Regeneration

Report No: 20/0245/IC

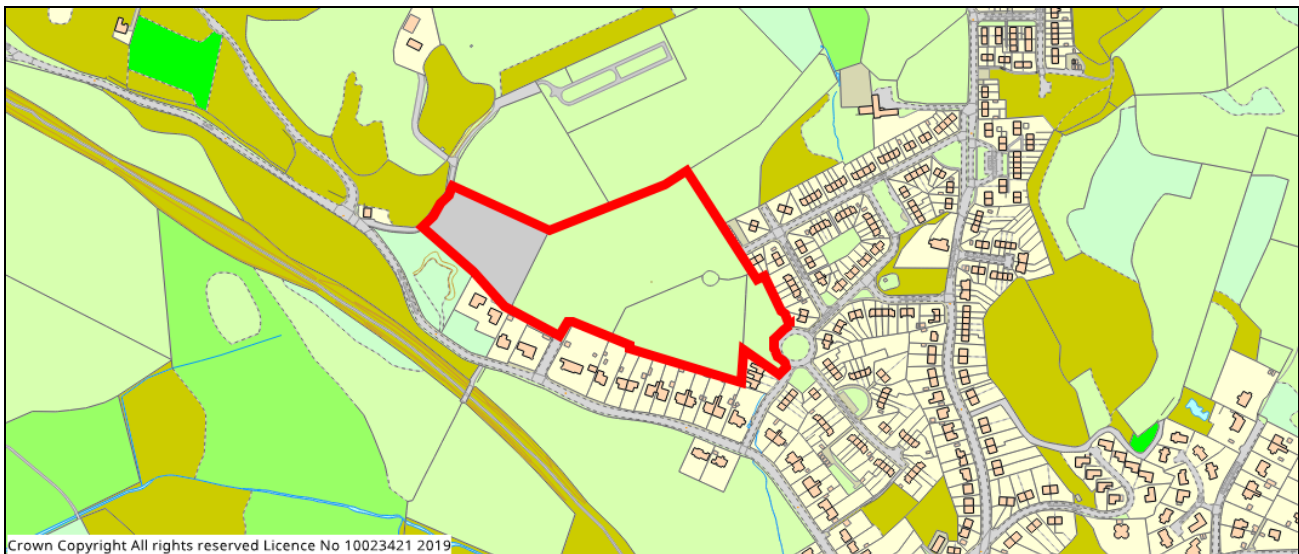
Major Application
Development

Contact Officer: Sean Mc Daid

Contact No: 01475 712412

Subject: Decision on the planning application called-in by the Scottish Ministers in respect of residential development to include access, roads, open space, landscaping, drainage and other associated works (planning permission in principle) (major) at

Land west of Quarry Drive, Kilmacolm



SUMMARY

- The planning application in principle was called-in by the Scottish Ministers to determine the application themselves.
- The Scottish Ministers grant planning permission in principle subject to conditions.

Details of the application decision may be viewed at:
<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121586>

INTRODUCTION

A Pre-Determination Hearing was carried out on 28th April 2021 by the Planning Board as the proposed development is a Major Development and considered to be significantly contrary to the adopted 2019 Inverclyde Local Development Plan.

On 4th May 2021 the full Council agreed with the recommendation that notification of the application be made under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 to the Scottish Ministers, indicating the Council's intention to grant planning permission in principle, subject to conditions. The notification of the recommendation is required as the Council owns a small part at the eastern side of the application site and the proposal is significantly contrary to the adopted 2019 Inverclyde Local Development Plan.

On 5th July 2021 notification was received from the Scottish Ministers that they directed the application be referred to them for determination. The Scottish Ministers considered the case raises issues of national significance with regard to the interpretation and application of Scottish Planning Policy, and in view of Inverclyde Council's interest in the proposed development, to allow further scrutiny of the reasons for proposing to approve it as a significant departure from the development plan.

CALL-IN BY THE SCOTTISH MINISTERS

The Scottish Ministers appointed David Buylla as the Reporter to consider the application and report back to them.

The Reporter considered the main issues relevant to the determination of the application taking account of the submissions made by all parties to the application including those of the local residents who have commented on the proposals. Having considered all of the relevant matters the Reporter's overall conclusion is that, despite the site being in a location where housing development would not normally be supported, the proposal is, overall, in accordance with the development plan due to its compliance with Clydeplan policy 8, the purpose of which is to respond to an identified shortfall in the effective housing land supply by permitting housing development on appropriate sites (even those which would not normally be considered suitable for such development).

The housing supply shortfall and the fact that the Reporter concluded that this proposal can be regarded as development that would contribute to sustainable development means the proposal can also draw support from Scottish Planning Policy paragraph 33. This tilts the planning balance further in favour of approval. There would be some adverse impacts from developing this site however, these do not significantly and demonstrably outweigh the beneficial contribution it would make to the five year supply of effective housing land.

The Ministers agreed with the Reporter's finding and recommendation that the proposed development is, overall, in accordance with the development plan; there is a shortfall in the housing land supply (whichever method is used to calculate the five year target), the presumption in favour of development that contributes to sustainable development is a significant material consideration; the proposed development would contribute to sustainable development; and the adverse impacts of the proposed development would not outweigh the benefits (including the contribution to the five year supply of effective housing land).

On 12th May 2022 the Scottish Ministers issued a Notice of Intention that indicated they were minded to grant permission in principle for the proposed development subject to conditions and the completion and registration of a planning obligation (or other suitable alternative arrangement) securing 25% of on-site accommodation as affordable and a developer contribution towards off-site works that will improve the walking and cycling environment in Kilmacolm. The details of the off-site works would be left to the Council and the applicant to agree but were likely to include improvements to footways between the application site and the village centre and a lowering of the speed limit on Port Glasgow Road, to the west of the site.

The Scottish Ministers deferred their formal decision on the planning application, in the first instance for a period of 6 months, to enable the relevant obligation, or other suitable arrangement, to be completed and registered or recorded to Ministers' satisfaction.

The Scottish Ministers issued a Procedure Notice on 16th November 2022 seeking comments from the planning authority, the applicant, Kilmacolm Community Council, Kilmacolm Residents' Association and Kilmacolm Civic Trust on the implications of the Revised Draft National Planning Framework 4 (NPF4) for the determination of the application.

The Scottish Ministers have indicated that despite the proposed development not being supported by some revised draft NPF4 policies, Ministers consider that these aspects, and the various adverse impacts of the development, do not outweigh the benefits of the proposed development. The Revised Draft NPF4 and the issues raised in the further procedure do not alter Ministers' conclusion that the proposed development accords with the development plan and there are no material considerations that indicate that permission should be refused.

It has been confirmed that a legal agreement had been signed and recorded at the Register of Sasines and a copy of that agreement was provided to the Scottish Ministers. The registered Section 75 agreement addresses the requirements set out and the Scottish Ministers are satisfied with its terms.

The Scottish Ministers conclude that the proposed development accords with the development plan and there are no material considerations that indicate that permission should be refused.

DECISION BY THE SCOTTISH MINISTERS

Accordingly on 26th January 2023 the Scottish Ministers granted planning permission in principle for the proposed development subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of grant of this permission.

Reason: Section 59 of the Town and Country Planning (Scotland) Act 1997 requires a condition to be attached to planning permission in principle limiting its duration. Five years is the default period set by law and there is no material reason indicating that a different period should be set.

2. Development shall not commence until an application for approval of matters specified in conditions containing details of the proposed site layout has been submitted to and approved in writing by the planning authority. The proposed layout shall be shown on a plan at a scale of 1:500 showing the position of all buildings, roads, means of access, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), and vehicular turning areas. The development shall be fully in accordance with the details as approved.

Reason: To ensure that the layout of the development is acceptable, and as subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

3. Development shall not commence until an application for approval of matters specified in conditions containing details of the proposed floor plans and elevations of all buildings showing dimensions as well as the type and colour of all external materials, has been submitted to and approved in writing by the planning authority. The development shall be fully in accordance with the details as approved.

Reason: To ensure that the designs and finishes used in the development are acceptable, and as subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

4. Development shall not commence until an application for approval of matters specified in conditions containing details of the type and colour of all hard surfacing materials have been submitted to and approved in writing by the planning authority. The development shall be fully in accordance with the details as approved.

Reason: To ensure that the hard surfacing materials are of acceptable types and colours, and as subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

5. Development shall not commence until a phasing plan has been submitted to and approved in writing by the planning authority. Thereafter the development shall proceed fully in accordance with the approved phasing plan.

Reason: To ensure that the phasing of the development is appropriate.

6. Development shall not commence until an application for approval of matters specified in conditions containing details of the proposed ground levels throughout the site and proposed finished floor levels, in relation to a fixed datum point, has been submitted to and approved in writing by the planning authority. The details shall include existing ground levels taken from the same fixed datum point. The development shall be fully in accordance with the details as approved.

Reason: To ensure that the ground and floor levels are appropriate, and as subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

7. Development shall not commence until an application for approval of matters specified in conditions containing details of surface water management and Sustainable Drainage Systems proposals has been submitted to and approved in writing by the planning authority. Field drains shall be installed around the perimeter of the site to prevent surface water run-off to adjacent properties. For the avoidance of doubt the discharge rate shall be at pre-development greenfield run-off rates.

Thereafter the development shall be fully in accordance with the details as approved and the matters that are approved shall be implemented in their approved form.

Reason: To ensure that appropriate surface water management and sustainable drainage systems measures are provided, and as subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997.

8. Development shall not commence until an application for approval of matters specified in conditions containing details of all walls (including any retaining walls) and fences to be erected on site has been submitted to and approved in writing by the planning authority.

The development shall be fully in accordance with the details as approved.

Reason: To ensure that appropriate boundary treatments are provided.

9. Development shall not commence until an application for approval of matters specified in conditions containing details of the visibility splays to be provided in both directions at the junction of the new access with Wateryetts Drive has been submitted to and approved in writing by the planning authority.

Thereafter the visibility splays shall be accordance with the approved details and maintained free from obstruction.

Reason: To ensure that appropriate visibility splays are provided and retained.

10. Development shall not commence until an application for approval of matters specified in conditions containing details of the proposed landscaping/planting at the site has been submitted to and approved in writing by the planning authority. The details shall include:

- i) details of any earth mounding, hard landscaping, grass seeding and turfing;
- ii) a scheme of tree and shrub planting, incorporating details of the number, variety and size of trees and shrubs to be planted as well as identifying trees that are to be retained or removed;
- iii) details of the translocation of Greater Butterfly-Orchid, Common□spotted and Northern-marsh Orchids;
- iv) details of planting for a defensible Green Belt boundary;
- v) details of the phasing of these works;
- vi) proposed levels for the landscaping.

Thereafter the landscaping/planting shall be implemented in accordance with the approved details.

Reason: To ensure that appropriate landscaping and planting is provided.

11. Development shall not commence until an application for approval of matters specified in conditions containing details of the provision of equipped play area(s) has been submitted to and approved in writing by the planning authority. The details shall include:

- a) details of the type and location of play equipment, seating and litter bins to be situated within the play area(s);
- b) details of the surface treatment of the play area, including the location and type of safety surfaces to be installed;
- c) details of fences to be erected around the play area(s);
- d) details of the phasing of these works; and e) details of the future maintenance of the play area(s).

Thereafter the play area(s) shall be implemented as approved and maintained in accordance with the approved details.

Reason: To ensure appropriate equipped play area provision.

12. For the avoidance of doubt the details submitted in relation to conditions 2 and 3 above shall allow for the following:

- i) Parking provision shall not exceed the following levels:
 - 1 parking space for a 1 bedroom house;
 - 2 parking spaces for a 2 or 3 bedroom house;
 - 3 parking spaces for a 4 bedroom house.
- ii) Visitor parking shall not exceed 0.25 spaces per dwelling.
- iii) The minimum dimensions of driveways shall be 3 metres wide by 5.5 metres long per bay and the driveway gradients shall not exceed 10%.
- iv) Any visitor parking spaces shall be a minimum of 2.5 metres by 5.0 metres.
- v) All roads within the site shall be a minimum of 5.5 metres wide.

- vi) Visibility splays of 2.4 metres x 43.0 metres x 1.05 metres (25.0 metres if appropriate traffic calming is provided to achieve 20 mph speed limit) at junctions and 2.0 metres x 20.0 metres x 1.05 metres should be provided from each driveway.
- vii) All footways within the site shall be a minimum of 2.0 metres wide.
- viii) All roads shall have a gradient of 8% or less.
- ix) Any turning heads shall be in accordance with the National Roads Development Guide.
- x) Traffic calming features should be introduced to reduce speeds to less than 20 mph.

Reason: To ensure that an appropriate level of parking is provided in the site and that the roads and footways are acceptable.

13. For the avoidance of doubt the dwelling houses shall incorporate sustainability-enhancing measures based upon those outlined in the Sustainable Development Strategy (September 2020) by Icení Projects Ltd. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the planning authority relating to the proposed sustainability-enhancing measures to be installed in each dwelling house. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of any dwelling house on the site.

Reason: To ensure that the development incorporates measures to reduce the carbon footprint of the development in order to off-set its relatively inaccessible location.

14. Following approval of the matters specified in the above conditions, development shall not commence until the trees shown to be retained in the details approved under Condition 10 ii) have been protected by suitable fencing fully in accordance with details of the location and type of fencing that shall be submitted to and approved in writing by the planning authority in advance. Fencing shall be erected on at least the fullest extent of the canopy on broadleaf trees and half the height of conifer trees as set out in BS5837/2012.

Reason: To ensure that trees are protected during construction.

15. For the avoidance of doubt any site clearance work shall be undertaken outwith the bird breeding season March to August inclusive unless otherwise agreed in advance in writing by the planning authority. Any request to carry out site clearance works during the bird breeding season shall be accompanied with a pre-construction bird breeding survey.

Reason: To ensure the protection of breeding birds within the application site.

16. For the avoidance of doubt each dwelling house shall have an electric vehicle (EV) charging point of at least 7 kilowatt output and a secure locker for home deliveries. Development shall not commence until an application for an approval of matters specified in conditions has been submitted to and approved in writing by the planning authority relating to the proposed electric vehicle charging points and secure lockers. Thereafter the matters that are approved shall be implemented in their approved form before the occupation of each dwelling house.

Reason: In order to mitigate the climate changing impact of the proposed development.

17. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the planning authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the agreed programme.

Reason: In order to identify and protect any archaeological remains and to allow the Planning Authority to consider this matter in detail.

18. Unless otherwise agreed in writing by the planning authority, development shall not commence until the bus stop on Wateryetts Drive (stop number IN418) has been relocated fully in accordance with details that have first been submitted to and approved in writing by the planning authority. The details to be submitted shall be on scaled drawings and include the provision of a layby and additional hardstanding to ensure vehicles can align at the stop and for the stop to be accessible.

Reason: To ensure the bus stop is relocated to an acceptable location and standard in an appropriate timescale.

19. 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.

Reason: To satisfactorily address potential contamination issues in the interests of human health and environmental safety.

20. Before any dwelling house hereby permitted is occupied the applicant/developer 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 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.

Reason: 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.

21. In the event of suspected contamination that becomes evident during site works, consequential works shall not be implemented until a remediation methodology statement has been submitted to and approved in writing by the planning authority.

Reason: To ensure all contamination issues are recorded and dealt with appropriately.

22. Development shall not commence until details of a survey for the presence of Japanese Knotweed has been submitted to and approved in writing by the planning authority. 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 as approved in writing by the planning authority, have been implemented. Any significant variation to the

treatment methodology shall be submitted for approval, in writing by the planning authority prior to implementation.

Reason: To help arrest the spread of Japanese Knotweed in the interests of environmental protection.

23. For the avoidance of doubt 5% of the residential units on site shall be wheelchair accessible housing. The details of the proposed wheelchair accessible housing shall be submitted for approval in writing by the planning authority at the same time as the application to be submitted under conditions 2 and 3 above.

Reason: To ensure the development incorporates wheelchair accessible housing and the planning authority has the necessary information to ensure these are acceptable at this location.

24. The first occupants of each of the homes hereby approved shall be provided with a Travel Pack upon first occupation of their home, in a format that shall be submitted to and approved in writing by the planning authority in advance. The Travel Pack shall provide details of bus services, local village facilities and sustainable travel options.

Reason: To assist in improving the sustainability of travel by future occupiers of the site.

RECOMMENDATION

That the Board notes the decision made by the Scottish Ministers.

Stuart W Jamieson
Director
Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean McDaid on 01475 712412.