
Report To:	The Planning Board	Date:	1st April 2009
Report By:	Head of Planning and Housing	Report No:	09/0014/IC Plan 04/09
Contact Officer:	Fraser Williamson	Contact No:	01475 712402
Subject:	<p>Amendment to Condition 29 of consent no. IC/06/008 to read "That the footbridge hereby approved and the disabled parking spaces shall be constructed and marked out ready for use prior to the occupation of the 166th house hereby permitted" at</p> <p>Land At Inverkip Station And Land Bound By Finnockbog Road, Everton Farm Road, Hill Farm Housing Development And Berfern Farm, Inverkip.</p>		

SITE DESCRIPTION

The application site consists of land associated with the Hill Farm housing development currently under construction in Inverkip.

PROPOSAL

The applicant seeks planning permission to vary the terms of planning permission IC/06/008, granted in May 2007, for residential development with associated roadworks, open space, landscaping management scheme and the erection of a railway footbridge. The permission was granted subject to 31 conditions, one of which, condition 29, sets a timescale for construction of the bridge relative to the housing development.

The condition reads "that the footbridge hereby approved and the disabled parking bays shall be constructed and marked out ready for use prior to occupation of the 136th house hereby permitted." The reason for the condition is to ensure provision of the footbridge and disabled spaces at a stage of the development assessed as appropriate to the public interest and in the interests of achieving a sustainable transport solution. The applicant seeks to amend the condition to defer the requirement to construct the bridge and mark out the parking spaces until prior to occupation of the 166th house. A supporting statement has been provided setting out the reasons behind the request for such a deferment.

The request is a result of Stewart Milne Holdings Ltd, the original applicant, selling on 89 plots for development to Redrow Homes (Redrow Homes have already received approval from the Council, planning permission IC/07/360R, dated 6th February 2008, for their section of the site). As part of this transaction there is a restriction in title that prevents the applicant from taking more than 47 occupations within the overall development prior to the construction of the bridge. Despite the current economic climate, the site has been developing well to the extent that the applicant anticipates that by June/July 2009 there will be 45 occupations. The 47 occupations target is likely to be achieved soon after that. As matters stand the applicant would have no option other than to make good non-completed houses and vacate the site without building the bridge and marking out the parking spaces.

The applicant is not in a position to construct the bridge at the present time as contract discussions are, at the time of writing, ongoing with Network Rail. I am advised that a Legal Agreement must be concluded between Stewart Milne and Network Rail by 31st March 2009 and that this Agreement will require the applicant to begin construction of the bridge by the end of September 2010 and for it to be completed no later than March 2011. The applicant's view is that allowing an additional 30 houses to be occupied before the bridge and parking spaces are ready for use will allow a continuation of the building and selling programme whilst implementing the infrastructure to serve the bridge. The applicant has stated that the company remains committed to the construction of the bridge and the associated lift.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H5 - Housing Development Opportunities

Inverclyde Council, as Planning Authority, will support and encourage residential development on the sites, indicative locations and 'New Neighbourhoods' included in Schedule 7.1 and indicated on the Proposals Map.

Local Plan Policy H8 - The Character and Amenity of Residential Areas

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;
- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;
- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

CONSULTATIONS

The nature of the proposal did not require consultation.

PUBLICITY

The application was advertised in the Greenock Telegraph on 30th January 2009 due to no notifiable premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. 4 letters of objection have been received. The points of objection may be summarised as follows:

1. Concerns over extended disruption to amenity by setting back the installation date for the bridge.
2. The claims by the applicant do not make sense: if house building is going well why not build the bridge sooner rather than later?
3. Concerns over the implications over the delay in reaching an agreement with Network Rail: should this agreement not have been in place prior to planning permission being issued?
4. The proposed change is only to suit the developer's financial circumstances.
5. The claims of the applicant, in a letter to residents, that construction could be interrupted is disputed.

ASSESSMENT

The original planning permission IC/06/008, the letters of objection and the applicant's supporting statement are material considerations in determining this application.

Planning permission IC/06/008 was in respect of the erection of 244 dwellinghouses and it was considered acceptable to allow a maximum of 135 to be occupied before the pedestrian footbridge is constructed. This restriction was imposed to ensure provision of the footbridge at an appropriate stage in the public interest and to assist in achieving a sustainable transport solution.

In that respect and in isolation there would be no planning justification to increase the number of dwellinghouses which can be occupied prior to the construction of the footbridge. The question to be addressed therefore is whether there are other material considerations which would justify a change.

There are a number of issues raised in the applicant's statement of support. The decision to sell 89 plots for development to Redrow Homes and the associated legal restrictions means that the applicant can only control the erection of 47 of the 135 houses. By June 2009 it is expected that there will be 45 occupations. It is recognised that the applicants willingly entered into the agreement with Redrow Homes but with no development having been commenced by Redrow – and no building warrant applied for – the reality is that the applicant would only be able to construct a further 2 houses before the footbridge is constructed. Thereafter they would have to vacate their development site until after the footbridge is completed.

The applicant has also provided further information in respect of negotiations with Network Rail to allow the footbridge to be constructed. When planning permission IC/06/008 was granted no agreement had been concluded with Network Rail and no timescale could be placed on when the footbridge would be completed. It is understood that agreement has now been reached and the Legal Agreement will be signed by 31st March 2009. The applicant has confirmed that I will be advised prior to the Planning Board meeting that the Legal Agreement has been signed.

The effect of this Legal Agreement is that construction of the bridge must commence by the end of September 2010 and be completed by no later than March 2011.

If the applicant's request is agreed to they could build a maximum of 77 houses. It then has to be considered in the time period until March 2011 how many houses would Redrow realistically build

and have occupied were they to commence development on their part of the site. Given the current economic climate I would consider it unlikely that they would achieve 89 and are probably unlikely to reach 59 completions – which combined with the applicants maximum of 77 would not exceed the current restriction of 135. It is also worth noting that the figure of 135 is very unlikely to be reached by September 2010 when the bridge must be commenced by even if Redrow start development. So, if the current restriction of 135 were to be reached before the bridge is completed this would be at a stage when the footbridge is under construction and would therefore be fully committed.

Taking all the above into account and providing the applicant demonstrates that the Legal Agreement with Network Rail is concluded by 31st March I consider it would be appropriate to agree to the amendment of the condition.

The planning permission IC/06/008 was granted subject to a Section 69 Agreement and this will require to be amended. It is requested that delegated authority be granted to the Head of Legal and Administration to conclude the necessary amendments.

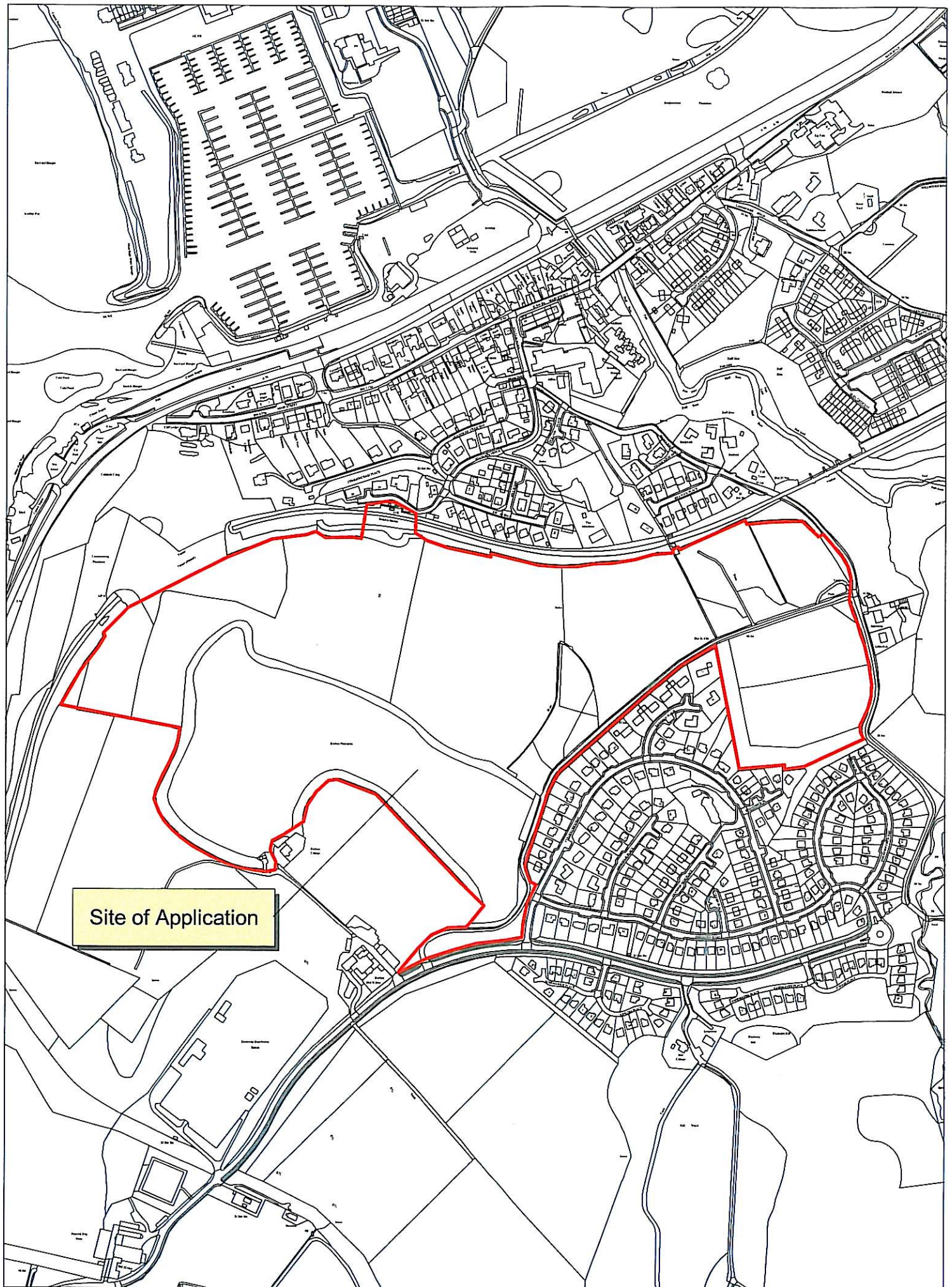
RECOMMENDATION

1. That the application be granted.
2. That delegated authority be granted to the Head of Legal and Administration to amend the Section 69 Agreement.

F. K WILLIAMSON
Head of Planning and Housing

BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's supporting letter.
3. Inverclyde Local Plan.
4. Planning permission IC/06/008.
5. Letters of objection.



Site of Application



Date: 12:03:09

Drawn: JML Drg. No. 09/0014/IC



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Inverclyde
council
planning and housing

WILLIAM T GAVIGAN

Flat 2 / 3
22 Station Ave
Inverkip
Inverclyde
PA16 6BA

25 January 2009

Planning Officer
Planning Services
Development Control & Conservation
Inverclyde

Re: Proposed Application for Planning Permission.
Inverkip Railway Station Bridge.
Amendment to Condition 29 of Consent No IC/06/008

Dear Sirs

I am in receipt of the application by Stewart Milne Builders to amend condition 29 of the planning application for the construction of the footbridge at Inverkip Station.

The Residents opposed that planning application and lost, and therefore democratically accepted the Council decision to allow the building of said bridge. We now have received a communication that the Builders wish to change the conditions of that consent, to suit themselves. We accepted that the bridge be built, therefore urge the Council to refuse their application, and allow the Residents of the Kyles a completion date as approved.

The Residents are being ignored, and again being subjected to the excuses of the Builders, excuses that are weak and do not make sense. If the housing build is going so well, build the bridge sooner rather than later. Allow the Residents of the Kyles to get their area and lives back to normal as per your Planning Permission conditions.

On reading the revised application, it is clear that this is a stalling measure for whatever reason the Builders require. Also the admission that the Builders are still negotiating the Legal Conditions with Network Rail, should these conditions not have been in place before Planning applied for.

I trust the Council Officials will show these Developers they are the trustees of the local Residents and hold them to the agreed conditions that the bridge be built as promised prior to the OCCUPATION OF THE 136th House hereby permitted.

Yours faithfully,

William T Gavigan

W Gavigan

09/0014/IC

✓ 27 JAN 2009

MDA

4312

02 FEB 2009

(u)

4 Shandwick Place
Ardgowan View
Inverkip
By GREENOCK
PA16 OGD

4400
AL/DA
03/0014/c

31 January 2009

Head of Planning Services
Inverclyde District Council
Cathcart House
6 Cathcart Square
GREENOCK
PA15 1LS

Dear Sirs

YOUR PLANNING CONSENT REF NO IC/06/008
THE PROPOSED NEW FOOTBRIDGE/ LIFT AND PARKING
SPACES AT OR NEAR TO INVERKIP RAILWAY STATION

I refer to the recent notification received from the representatives of Stewart Milne Holdings and concerning their request for an amendment to the above-mentioned permission from the Council.

Clearly, in view of the current economic climate, the rate of house construction and occupation has slowed significantly of late - and the fact that a second developer is about to go on site shortly is not necessarily going to redress this.

I strongly object to this proposed change, as it will - if granted, result in yet another delay in the long-awaited bridge contract being completed.

Presumably, you will take note accordingly.

Many thanks.

Yours faithfully



Melagros R Lynch

(Joint owner of 4 Shandwick
Place, Inverkip - as above)

Direct Tel No: 07981-558868
E-mail: melagros.lynch@tiscali.co.uk

4 Shandwick Place
Ardgowan View
Inverkip
By GREENOCK
PA16 0GD

26 January 2009

Head of Planning Services
Inverclyde District Council
Cathcart House
6 Cathcart Square
GREENOCK
PA15 1LS

Dear Sirs

YOUR PLANNING CONSENT REF NO IC/06/008
THE PROPOSED NEW FOOTBRIDGE/ LIFT AND PARKING
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I refer to the recent notification received from the representatives of Stewart Milne Holdings and concerning their request for an amendment to the above-mentioned permission from the Council.

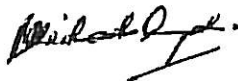
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Presumably, you will take note accordingly.

Many thanks.

Yours faithfully



Michael D J Lynch

(Owner of 4 Shandwick Place,
Inverkip - as above)

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E-mail: michael.lynch12@tiscali.co.uk

23 JAN 2009 (u)
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EXTRACT OF ORIGINAL LETTER

Flat 1/1
24 Station Avenue
Inverkip
Greenock
PA16 0BB

Planning Department
Inverclyde Council
Municipal Buildings
GREENOCK
PA15 1LY

4 February 2009

Dear Sirs

Planning Application IC/06/008
Amendment to condition 29
Construction and installation of lift at Inverkip Railway Station Avenue Inverkip.

We object most strongly to any attempt to change condition 29 of the above consent.

We did, and still do, object to the bridge and lift being built.

The original clause was installed and accepted by the developers at the outset. They should not now be allowed to change clauses to suit their financial circumstances.

Their comment that "the amendment would help ensure that house construction does not have to be interrupted" is nonsense. If the bridge causes housing interruption it will do so at the 136th house, the 150th house, the 166th house or at any other stage.

Again this is a situation they knew about and accepted in the original application.

I trust that on this occasion the members will, for once, stand up for the local voters

Yours faithfully



Brian E Blacklaw



Mrs Pamela Blacklaw

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AL/DA
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