

Report To: The Planning Board

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Report By: Head of Regeneration and Planning

Report No: 16/0061/IC  
Plan 12/17

Local Application  
Development

Contact  
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Subject: Erection of 4 dwellinghouses at  
Whitelea Road, Kilmacolm



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## SUMMARY

- The proposal accords with the intent of the Inverclyde Development Plan.
- Twenty three representations including eighteen objections have been received. Issues raised include concerns over flooding, road safety wildlife and trees.
- Consultations present no impediment to development.
- 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=O4E2LIIM00E00>

## **SITE DESCRIPTION**

The approximately 0.3ha and irregularly shaped site is located on the north side of the T-junction between Whitelea Road and Broomeknowe Road, Kilmacolm. It is covered in scrub trees, bushes and rough grass.

Located within a residential street, adjoining to the north-west (side) is one of three "Chalet" style two storey 1980s houses. "Darnead", which is an inter-war bungalow, adjoins to the south-east (side). Across Whitelea Road at the junction with Broomknowe Road is a two storey inter-war terrace and a two storey 1980s "chalet" style house. To the rear the application site is adjoined by a Site of Importance for Nature Conservation (SINC) and the Green Belt.

The T-junction of Whitelea Road and Broomknowe Road fronting the site is unadopted, unsurfaced, deeply rutted and potholed. It regularly floods with surface water and is in multiple ownerships.

## **PROPOSAL**

It is proposed to construct four two-storey four-bedroom detached houses, each with a double integral garage. The proposed houses are arranged around a curved hammerhead to be formed within the site and connected to Whitelea Road. The principal external finishes are smooth white render wall and imitation slate roofs.

The submitted plans detail that only the western-most length of Whitelea Road fronting the application site is under the applicant's control. This section of road is to be upgraded with a new sub-base and base formed to Council standards to allow for the option of future finishing and adoption. Along the full frontage of the site to Whitelea Road the footpath is to be reinstated to adoptable standard and two new lamp posts are proposed to be erected.

## **DEVELOPMENT PLAN POLICIES**

### **Policy RES1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

### **Policy RES3 - Residential Development Opportunities**

Residential development will be encouraged and supported on the sites and indicative locations included in Schedule 6.1 and indicated on the Proposals Map. An annual audit of the housing land supply will monitor and review, and where necessary, augment the Effective Land Supply, to maintain a minimum five year's supply in accordance with the Glasgow and the Clyde Valley Strategic Development Plan and Scottish Planning Policy guidance.

## **Policy INF4 – Reducing Flood Risk**

Development will not be acceptable where it is at risk of flooding, or increases the risk of flooding elsewhere. There may be expectations for infrastructure if a specific location is essential for operational reasons and the development is designed to operate in flood conditions and to have a minimal impact on water flow and retention.

All development at risk of flooding will require to be accompanied by a Flood Risk assessment (FRA) and should include a freeboard allowance, use water resistant materials where appropriate and include suitable management measures and mitigation for any loss of flood storage capacity.

## **Planning Application Advice Notes**

Planning Application Advice Note No3 (PAAN3) “Private and Public Open Space in New Residential Development” applies.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** – no objections subject to four off-street parking spaces being provided for each house, the driveway gradient not exceeding 10% and a visibility splay of 2m by 43m by 1.05m high being achieved at each driveway. A footway must be provided along the edge of the development and connected to the existing roads network at number 70 Whitelea Road. As part of this street lighting and drainage must be installed to improve the condition of the private road. These works must be completed prior to any of the house works starting. The submitted Flood Risk Assessment which indicates that the site is at low risk is accepted, however it is recommended that a suspensive condition be attached requiring the submission of a site drainage design.

**Head of Safer and Inclusive Communities** - no objections subject to the attachment of conditions to control the spread of Japanese Knotweed, potential ground contamination, waste storage, external lighting, construction noise, sound insulation and advisory notes on site drainage, CDM Regulations, septic tanks and seagull nuisance.

**Council’s Lower Clyde Greenspace Manager** – the site was visited when it was very dry. There was no standing water and one shallow open drainage ditch with a minimal amount of flowing water. This offers very poor potential for newts and it would be most surprising if any were present year round. Newts do tend to overwinter under stones and fallen branches and there are plenty of such opportunities for this in the adjacent SINC site, which is not affected by the planning application. Newts are unlikely to be a valid concern at this location.

**SEPA** – to understand the potential flood risk from all sources, prior to the commencement of work on site a Flood Risk Assessment should be submitted and approved.

## **PUBLICITY**

The application was advertised as there are no premises on neighbouring land.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

A total of twenty three written representations including eighteen objections have been received. Due to the submission of amended plans during consideration of the application, representations were submitted in two phases. In response to the first notification fourteen representations, including eleven objections, were submitted; nine representations including seven objections were received following re-notification. The numbers include comments at both stages from the Kilmacolm Civic Trust, which does not object to the proposal but makes

observations on the marshy condition of the site, requests that Whitelea Road be brought up to an adoptable standard and has doubts if the flood remedial measures will be effective. Three representations confirm support for the proposal providing the condition of Broomknowe Road is improved or not worsened.

The objectors are concerned that:

#### **FLOODING**

- SEPA maps identify the site as being at a high risk of flooding.
- Adjoining houses shall be at risk of flooding as the site acts as a water catchment area.
- The proposed road layout will contribute to flood risk causing damage to the existing roads.

#### **WILDLIFE and TREES**

- The site is rich in wildlife and has become a home to deer, foxes, various species of songbird, tit species, heron and amphibian, including newts.
- A beech tree within a garden adjoining the application site may be damaged by construction works.
- A large tree in close proximity to the site should be protected.
- In the event of trees being removed there should be replanting.

#### **ROAD SAFETY**

- Road safety and the condition of the unmade section of road shall be adversely affected by increased traffic.
- Houses may be extended and integral garages converted to living accommodation without the requirement for planning permission with a resultant increased demand for parking in the area.
- Surrounding roads are weak and unsuitable for construction traffic. Privately owned sections of roads have been maintained at neighbours' expense and certain objectors assert that the applicant has not contributed to the maintenance of those sections of road. Whitelea Road should be brought up to the Council standard by the developers.

#### **DESIGN**

- The houses will not be in keeping with others in Whitelea Road.
- The proposal is overdevelopment of the site.
- The proposed house positions set at right angles to Whitelea Road are out of keeping.

#### **JAPANESE KNOTWEED**

- There is Japanese Knotweed on the site.

#### **ASSESSMENT**

The material considerations in the determination of this planning application are the planning history of the site, the Local Development Plan, the consultation responses and the written representations. The determining factor is does this proposal comply with the Development Plan?

The application site at Whitelea Road falls within a larger site which was granted outline planning permission in 1979 for residential development with an overall capacity of approximately 71 units. 67 houses were subsequently erected, leaving an approximate capacity of 4 units. In September 2000 planning permission was granted for the erection of 4 houses on the site. The planning permission was not, however, implemented.

While the planning permission for the 4 houses lapsed in 2005, Local Development Plan Policy RES3 identifies it as a housing development opportunity with an approximate capacity of 4 units. As a result, the principle of the erection of up to 4 houses on the site remains established and is in accordance with the Local Development Plan.

It next rests to assess the details of the proposal with reference to Local Development Plan Policy RES1, which lays down a set of criteria that new residential developments require to meet in order to safeguard the established residential amenity and character of the area. In this instance, the criteria which require to be satisfied are: (a) compatibility with the character and amenity of the area; (d) accordance with the Council's adopted roads guidance and the Scottish Government's policy statement "Designing Streets"; (e) provision of adequate services; and (f) having regard to Supplementary Guidance on Planning Application Advice Notes.



Considering compatibility with the character and amenity of the area, the Council's PAAN3 "Private and Public Open Space in New Residential Development classifies proposals for 10 houses or less as small scale infill. New development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries; there is no requirement for the provision of public open space. I am content that the submitted layout is satisfactory in relation to the varied plot sizes, front and rear garden sizes and separation from plot boundaries in this part of Kilmacollm. For example, within 100 metres of the application site existing plot sizes vary from approximately 280 square metres to approximately 1,330 square metres, front garden depths range from approximately 4 metres to approximately 26 metres and rear gardens from approximately 10 metres to approximately 42 metres. House types include bungalows, chalets, and villas; terraces, semi-detached and detached, all finished in a range of materials and colours. The proposed house types are similar to those previously granted planning permission in 2000, being two storey villas finished in render and imitation slate. Plot sizes all exceed 500 square metres, front gardens vary in depth from approximately 6 to 10 metres and rear gardens extend in length from approximately 8 metres to 12 metres. The proposed houses fit within the range of plot sizes, front and rear garden depths, house type and finishing materials presently evident in close proximity to the site.

While I note that objection is raised to the proposed layout, which forms a short cul-de-sac off Whitelea Road resulting in houses being positioned at right angle to the street, this is not an unusual feature of layout in such circumstances. Overall, I consider that the proposal is compatible with the character and amenity of the area and has regard to Planning Application Advice Note No3 (PAAN3) "Private and Public Open Space in New Residential Development", consequently satisfying criteria (a) and (f) of Policy RES1.

Safe access to and from the site is a key consideration in the determination of the planning application. While I consider it would be desirable for all of the unmade sections of Whitelea Road and Broomeknowe Road to be improved, such a requirement cannot be placed upon the applicants as sections of the privately owned road fall outwith their ownership. It is, however, within the gift of the owner to provide a footpath, street lighting and drainage. This will improve pedestrian access along Whitelea Road and night-time visibility and reduce the

extent of water retention and pooling on the road. The absence of an objection from the Head of Environmental and Commercial Services determines that the proposal is acceptable with reference to the Council's adopted roads guidance and the Scottish Government's policy statement, "Designing Streets" and satisfactorily answers the objectors' concerns about road safety.

I am also satisfied that the double garages and double width driveways provided for each house meet the required provision of four off-street parking spaces and that, as the site is level, there is no requirement for a condition on driveway gradients. I am, however, content to attach conditions on driveway sightlines and to require the section of Whitelea Road under the applicant's control to be brought up to the standard specified in the consultation response. I am therefore satisfied that the proposal accords with criterion (d) of Policy RES1.

As the site has a frontage to Whitelea Road and is within an established part of the village I conclude that the provision of adequate services is unlikely to be problematic and that, accordingly, the proposal satisfies criterion (e) of Policy RES1.



Overall, I consider that the proposal complies with Local Development Plan policies RES1 and RES3 and supplementary guidance in PAAN3.

The issue of flooding is considered with reference to Local Development Plan policy INF4. I note that with reference to surface water flooding the Head of Environmental and Commercial Services does not object to the proposal and to understand the risk of flooding from all sources SEPA recommends that prior to the commencement of work on site a Flood Risk Assessment should be submitted and approved. It is appropriate to attach a condition in accordance with the SEPA recommendation.

In concluding that the proposal complies with the Inverclyde Local Development Plan policies RES1, RES3 and INF4 and the supplementary guidance in PAAN3, it rests to consider if there are any material considerations that suggest determining the application contrary to the Plan.

Regarding the observations of the Head of Safer and Inclusive Communities, I have no objections to the attachment of conditions to control the spread of Japanese Knotweed (thus answering the objectors' concerns on this matter) and potential ground contamination. Waste storage, external lighting, construction noise and sound insulation are, however, matters controlled by other legislation and it is appropriate to attach advisory notes on these matters along with the other advisory notes the Head of Safer and Inclusive Communities requests on site drainage, CDM Regulations, septic tanks and seagull nuisance.

Considering the objectors' concerns not addressed by my assessment against the Local Development Plan, the site has been visited by the Council's Lower Clyde Greenspace Officer and assessed as being an unlikely habitat for protected newts. I am thus content that a requirement for the submission of a protected species survey is not required. On

examining the impact on trees, I do not consider there to be any within the application site that merit protection under planning legislation. Noting the objectors' concerns about bird life, I consider that it is prudent to restrict site clearance works to outwith the bird breeding season.

Drawing all of the above matters together, I am content that there are no material considerations to suggest that this proposal should be determined contrary to the Development Plan.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. 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. For the avoidance of doubt this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
2. That the development shall not commence until an environmental investigation and risk assessment, including any necessary remediation strategy 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 acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
3. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
4. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the remediation strategy shall not be implemented unless it has been submitted to and approved in writing by the Planning Authority.
5. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority detailing all fill or landscaping material imported onto the site. This report shall contain information of the materials' source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc.) with plans delineating placement and thickness.
6. A visibility splay of 2m by 43m by 1.05m high shall be achieved at the junctions of each of the four driveways and the access road hereby approved.
7. A footpath shall be provided along the front of the site incorporating street lighting and drainage, all to the satisfaction of the Planning Authority. Full details shall be submitted to and approved in writing and thereafter completed in accordance with the approved details prior to the commencement of the erection of the first house on site.
8. That prior to the commencement of work on site, a Flood risk Assessment shall be submitted to and approved by the Planning Authority in consultation with SEPA.

9. No development shall commence until a site drainage scheme has been submitted to and approved in writing by the Planning Authority. Thereafter the approved drainage scheme shall be completed prior to the construction of the four houses hereby approved.
10. No site clearance shall take place outwith the bird breeding season of March till August.
11. No development shall commence until full details of all boundary treatment have been submitted to and approved in writing by the Planning Authority; development thereafter shall proceed in accordance with the approved boundary treatments, unless the Planning Authority gives its prior written approval to any alternatives.
12. No development shall commence until samples of all external finishing materials have been submitted to and approved in writing by the Planning Authority; development thereafter shall proceed in accordance with the approved materials, unless the Planning Authority gives its prior written approval to any alternatives.

#### Reasons

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address potential contamination issues in the interests of environmental safety.
3. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination.
6. In the interests of road safety within the development.
7. In order to improve road safety on Whitelea Road.
8. To ensure that there is no development within a functional flood plain.
9. To prevent harm from flooding.
10. In the interests of the protection of birds.
11. To ensure the provision of a quality boundary treatment regime.
12. To ensure a choice of external finishes sympathetic to this part of Kilmacolm.

Stuart Jamieson  
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