

Report To: The Planning Board

Date: 3 January 2018

Report By: Head of Regeneration and Planning

Report No: 17/0297/IC  
Plan 01/18

Local Application  
Development

Contact Officer: David Ashman

Contact No: 01475 712416

Subject: Construction of dwellinghouse at  
Kirn Drive, Gourock



## SUMMARY

- The proposal accords with the intent of the Inverclyde Development Plan but would adversely impact upon amenity open space provision in the wider Kirn Drive development.
- Seven representations have been received supporting the proposal.
- The recommendation is to REFUSE PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=OX1WLBIMMKB00>

## **SITE DESCRIPTION**

The application site extends to approximately 553 square metres and is located within the development site at the northern end of Kirn Drive formerly occupied by Kempock House. The site is presently being developed for 35 houses with the construction programme well advanced. The proposed plot is located along the common southern boundary shared with dwellings fronting onto Moorfoot Drive.

## **PROPOSAL**

Planning permission is sought for the construction of a detached bungalow. It is to be finished in a mix of cream coloured dry dash render and buff facing brick, with a grey concrete roof tile.

Planning permission 16/0309/IC was granted in April 2017 for the construction of 35 two storey detached and semi-detached houses with associated roads, parking and landscaping on the site of the former Kempock House. The proposed dwelling is positioned wholly within the part of the approved site which was to form the main open space and play area provision for the development. 0.28 hectares of open space was to be provided within the overall development. This provision met the requirements of Planning Application Advice Note No.3 on "Private and Public Open Space Provision in New Residential Development". The proposed development would reduce it to 0.22 hectares. The play area part of the amenity open space would reduce from approximately 300 square metres to approximately 130 square metres.

The applicant has submitted a supporting statement which notes that the house is designed to suit the needs of a disabled person, hence it is single storey compared to the other two storey houses within the wider development. The reduction in open space provision is noted but it is suggested that this would be reimbursed through the payment of an agreed commuted sum towards a community project or play facilities in the local area.

## **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 GCV SDP and SPP guidance.

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

## **CONSULTATIONS**

No consultations were 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**

Seven representations were received in support of the application. The comments concentrate on the proposal being a specially adapted bungalow for an injured fireman and should be supported on this basis.

## **ASSESSMENT**

The material considerations in determination of this application are the Inverclyde Local Development Plan, Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", the applicant's supporting information, the representations and the planning history of the site.



The proposal is for a residential development within an area identified as a residential development opportunity under Policy RES3. The site is also within an area associated with Policy RES1, where the character and amenity of residential areas is to be safeguarded and, where practicable, enhanced. The proposal therefore accords in principle with both these policies of the Local Development Plan. Proposals for new residential development are to be assessed against and have to satisfy certain criteria, the most relevant of which in this instance are (a) compatibility with



the character and amenity of the area and (f) having regard to Supplementary Guidance on Planning Application Advice Notes. As a proposed house plot with garden dimensions appropriate to the requirements of PAAN3 and with a design and facing materials which complement the immediate vicinity, I conclude the proposal is, in its own right, compatible with the character and amenity of the area.

The proposal should not, however, be considered in isolation as it is located within the larger development site being taken forward under implementation of planning permission 16/0309/IC. Consideration of the impact of the proposal on the wider development is a material consideration and, in particular, the impact on the approved amenity open space and play area. When consideration was given to planning application 16/0309/IC the site layout was designed to fully comply with Council policy on open space provision in PAAN3. This also ensured that the development complied with the character and amenity of the area.



The proposed dwelling presents a conflict, as although it meets the open space requirements of PAAN3 in terms of the private space around the dwelling it compromises, to an unacceptable extent, the public open space provision in the wider development as it would result in the loss of some consented amenity open space and a significantly reduced play area.

I note the applicant's offer of a commuted sum towards a community project or play facilities in the local area. When consideration was given to the original application for the larger development the possibility of a commuted sum being put towards upgrading of an existing facility or the provision of a new one offsite but nearby was considered but no suitable existing sites or locations for a new development were found, hence the provision within the application site. In the interim period, nothing has changed and I therefore do not regard the commuted sum offer as being suitable compensation for the loss of amenity open space and a reduced play area. I am not aware of any community project proposed within the local area and the applicant has not provided any such details.

Whilst an individual's circumstances, referred to by the supporters of the application, are not a material consideration, efforts were made to try and reach a suitable compromise which would

balance the proposal against the public interest. In order to accommodate the proposed dwelling, the applicant was asked to consider deletion of the approved house type on plot 17, immediately adjacent to the application site, and to reposition the proposed dwelling on it. This would have ensured the provision of the proposed dwelling with no net loss to the overall number of houses within the consented development. There would still have been a loss of some of the approved amenity open space but far less significant than would be the case should the current proposal be approved. It was considered that this would be a compromise which could be supported by the Council as Planning Authority. The applicant indicated that under these circumstances that it was not financially viable to lose an already approved plot from the development.

I am therefore satisfied that a reasonable attempt has been made to find a compromise solution on the loss of open space that would allow the proposed development to be accommodated within the site without detriment to the public interest. The applicant has, however, rejected this on grounds of financial feasibility. An applicant's financial concerns are not a material consideration when assessing the planning merits of a proposal.

I conclude that although the proposed development considered in isolation accords with the Local Development Plan, it is a material consideration to consider its impact on the already approved development within which it sits. Had the wider development been submitted with the layout incorporating the proposed house as now presented, it would have been refused on the basis of providing insufficient amenity open space, which would have been to the detriment of the character and amenity of the area and the general public interest. Therefore the proposed development should be refused on the grounds of its impact on the provision of amenity open space in the wider Kirn Drive development not meeting the requirements of PAAN3 or criterion (f) of Policy RES1, thus being detrimental to the character and amenity of the area and the proposal therefore not satisfying criterion (a) of Policy RES1 of the Local Development Plan.

## **RECOMMENDATION**

That the application be refused for the following reasons:

1. That as the proposed dwelling would be built on an area of amenity open space incorporating a play area approved under planning permission 16/0309/IC, it would result in an overall development that had an under-provision of amenity open space and a reduced play area which would not satisfy criteria (a) and (f) of Policy RES1 and would thus be detrimental to the character and amenity of the area.
2. The proposal would result in the wider development approved under planning permission 16/0309/IC not complying with the open space and play area provision requirement of Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" to the detriment of residential amenity.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.