

Report To: The Planning Board

Date: 5 June 2019

Report By: Head of Regeneration and Planning

Report No: 18/0176/IC

Local Application
Development

Contact Officer: Carrie Main

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Subject: Proposed storage building and erection of fence within rear courtyard of coffee shop at
1 Drumpellier Place, Lochwinnoch Road, Kilmacolm



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SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- Representations have been received on behalf of six neighbours and from Kilmacolm Civic Trust relating to design, the operation of the coffee shop, roads and infrastructure and property title issues.
- Consultees present no impediment to development.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=PA7QWBIMHHY00>

SITE DESCRIPTION

Located within the Kilmacolm Cross Conservation Area, 1 Drumpellier Place is a ground floor coffee shop within a two and a half storey Victorian building with residential properties above. The site is on the north-eastern side of the junction of Elphinstone Court and Lochwinnoch Road. To the rear of the building fronting Elphinstone Court is an open yard.

The yard, which is used for car parking, is set behind the pavement on the north-east side of Elphinstone Court, with double yellow lines prohibiting on-street parking along this frontage. The rear elevation of the building has a flight of external stairs leading down to the yard from first floor level. Elsewhere, the yard is bound by a single storey outbuilding attached to the rear of 3 Drumpellier Place and by an approximately 1.8m high timber fence to a private residential car park. Four storey flats lie opposite the application site.

Planning permission was granted in 2017 (ref: 17/0262/IC) for outdoor seating associated with the café on areas of pavement immediately outside the premises and fronting Drumpellier Place and Elphinstone Court.

PROPOSAL

It is proposed to construct an approximately 3.8m long by 3m deep lean-to storage building set back approximately 5m from the footway on Elphinstone Court and immediately parallel to the 1.8m high timber fence at the boundary with the car park. The building is approximately 1.9 metres high directly adjacent to the fence, rising to a maximum height of approximately 2.3 metres. The building is clad in stained timber and has a roof with a felt finish.

Double doors on the building open outwards onto the courtyard. There is also a pedestrian side door facing away from the road. Parallel to the south-west gable is a length of timber screen fencing set at right angles to and matching the height and design of the existing car park fence.

The proposed site layout formalises three off-street parking spaces set immediately behind the footway heel on Elphinstone Court. One parking space is formed in front of the south-west gable of the storage building and measures 5.0m in length by 2.5m in width. The other two parking spaces are located more centrally within the yard and measure 5.5m in length by 2.5m in width. A 1.2 metre passageway passes between two of the parking spaces to allow access to the store and the external stair from Elphinstone Court.

DEVELOPMENT PLAN POLICIES

Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Policy TCR1- Network of Designated Centres

The following hierarchy of centres are designated as locations where a range of town centre uses will be appropriate in order to support the role and function of the particular centre, as well as their vitality and viability:

Strategic Town Centre:

- (a) Greenock, subdivided into a 'Central Area' and 'Outer Area'

Town Centres:

- (a) Port Glasgow
- (b) Gourrock

Local Centres:

- (a) The Cross, Kilmacolm
- (b) Dubbs Road, Port Glasgow
- (c) Sinclair Street, Greenock
- (d) Lynedoch Street, Greenock
- (e) Barrs Cottage (Inverkip Road and Dunlop Street), Greenock
- (f) Cumberland Walk, Greenock (proposed redevelopment)
- (g) Cardwell Road, Gourrock
- (h) Kip Park, Inverkip
- (i) Ardgowan Road, Wemyss Bay

PROPOSED DEVELOPMENT PLAN POLICIES

The Proposed Plan has been through examination and the Reporter's recommended modifications were reported to the Council's Environment and Regeneration Committee on 2 May 2019. The Council is in the process of moving to adopt the Proposed Plan. Reference to the Proposed Plan in this report incorporates the Reporter's recommended modifications and the non-notifiable modifications approved on 2 May 2019.

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 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:

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

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

CONSULTATIONS

Head of Service – Roads and Transportation– The 2 parking spaces at 5.5m x 2.5m one space at 5.0m x 2.5m are acceptable, however any vehicles must not overhang the footway as an obstruction may incur enforcement action.

Head of Environmental and Public Protection (Environmental Health) – no objections.

PUBLICITY

The application was advertised as a development affecting a conservation area.

SITE NOTICES

A site notice was posted as a development affecting a conservation area.

PUBLIC PARTICIPATION

The application was amended during the assessment period and re-neighbour notification was undertaken. Overall, written representations were received from or on behalf of six neighbours. Two representations have also been received from Kilmacolm Civic Trust, the first objecting, the second following amendment offering no objection.

The objectors are concerned that:

Design

- the proposed building is too large for its purpose and will introduce an unsightly bulky feature within the Conservation Area.
- the proposed building is too close to the rear of 3 Drumpellier Place.
- concealment afforded by the building has the potential to compromise the security of rear cellars at Drumpellier Place.
- a precedent may be set for the erection of further structures to form backland development.

Legal issues

- title restrictions may prevent construction from proceeding.
- neighbours of the café shall be denied the use of an area of common space.
- ownership of the site requires to be established.
- rights of access over the rear courtyard shall be restricted.
- the applicant is not the owner; only an owner should be permitted to apply.

Operation of the coffee shop

- a previous planning permission granted in 2017 and which included the formation of an external seating area on the footways adjoining the café's frontages to Lochwinnoch Road and Elphinstone Court did not include any proposal for a separate structure to store tables and chairs - the applicant should be satisfied that storage facilities existed within the café.
- previous proprietors who have operated tables and chairs outside have stored them within the café.
- the applicant's design statement advises the development of the external seating area is an essential part of the business's strategy, however, the external seating area cannot be enlarged outwith the confines of the existing planning permission.

Roads and infrastructure issues

- availability of off-street parking shall be reduced.

- there is a potential that underground services may run below the site of the proposed building.
- access to the rear of St James Terrace and Drumpellier Place by emergency services may be hindered.

ASSESSMENT

While I note that there are objections relating to title and ownership rights, for the purpose of validation of the planning application the applicant has completed his obligations in respect of notification of other owners of the application site under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

I am also aware that the previous operator of the coffee shop found no need for additional storage, but this can have no bearing on the determination of the planning application. Similarly, assessment of this application may also not revisit the terms of previous planning permissions. The applicant's Design Statement explains that the Council's "Requirements for Operation of a Street Café" require adequate provision to be made for the storage of all items of furniture at the end of each working day, but that size constraints within the café and a planning condition limiting the hours of operation of the outside seating combine to render it impractical to store the seats tables and barriers within the café. These matters may not form the basis for the approval of this planning application which requires to be considered on individual merit.

The determining issues are is it acceptable to locate a building within the yard and, if it is, is the design and position appropriate with reference to both visual impact and road safety.

In addressing these determining issues, the material considerations are the adopted Local Development Plan, the proposed Local Development Plan, Historic Environment Scotland's Policy for Scotland (which supersedes the SHEP) and the "Managing Change in the Historic Environment" guidance note on "Setting", the consultation responses and the written representations.



In firstly considering the principle of erecting outbuildings within the rear yard, it requires to be recognised that within the rear areas of business and residential flatted buildings there are often outbuildings. This development will not set a precedent. These buildings are erected to assist the use of the linked businesses or homes, and in planning policy terms there is nothing to prohibit the principle of such development. Indeed, it may be considered that the use of this building for any storage in connection with the associated business helps to support the vibrancy, vitality and viability of that business and in turn the village centre. This is compliant with the aims of the Policy TCR1 of the current Local Development Plan and Policy 22 of the proposed Local Development Plan.

With the acceptability of erecting outbuildings in rear yards established, it is necessary to examine the design and position.

The yard is within the Kilmacolm Cross Conservation Area. Policies HER1 of the adopted Plan and 28 of the proposed Plan combine to seek to preserve and enhance the character, pattern of

development and appearance of the Conservation Area. The best measure as to whether or not the proposal has an acceptable impact upon the Conservation Area is to assess it against Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note "Setting". Setting is the way the surroundings of a historic place contributes to how it is understood, appreciated and experienced.

The site of the proposed building is within a courtyard set to the rear of commercial premises, albeit with an open frontage to the public domain in Elphinstone Court. This is not backland development. The rear courtyard is a functional area and, I consider, makes no significant contribution to the way in which the Kilmacolm Cross Conservation Area is understood, appreciated and experienced. Furthermore, the proposed building is of modest scale and partly screened from public view by fencing of a matching design and connected to that forming the courtyard's north-west (side) boundary. I am thus content that the design presents no conflict with the combined aims of Policies HER1 of the adopted Plan and 28 of the proposed Plan.

Assessing the position of the building, I note concerns relative to the rear annex to 3 Drumpellier Place with particular reference to access. I consider the proposed access arrangements to be acceptable.

I note that the yard has capacity to accommodate 3 vehicles off-road and retains this parking provision as proposed. Evidence suggests that this is the number of vehicles typically parked, meaning there will be no reduction in off street car parking or obstruction to emergency vehicles as a direct result. The Head of Service - Roads and Transportation advised that the dimensions of the parking spaces are acceptable. I also note that there are no adverse comments from the Head of Environmental and Public Protection on Environmental Health grounds.



The potential for siting over underground utilities is not a consideration in the assessment of a building of this nature. Finally, while I note the security concerns, I do not consider that this forms the basis for refusing planning permission.

Overall, I am content that it is acceptable to locate a building within the yard and that the design and position are appropriate. I am content that the proposal has no adverse impact upon local architecture and the urban form of the Kilmacolm Cross Conservation Area, thus maintaining it as a successful place in accordance with Policy 1 of the proposed Plan. I am further satisfied that the proposal is an intelligent and understanding management of the historic environment and thus according with the aim of Historic Environment Scotland's policy and guidance.

RECOMMENDATION

That the application be granted.

Stuart Jamieson
Head of Regeneration and Planning