

Report To: The Planning Board

Date: 7 April 2021

**Report By: Interim Service Director
Environment and Economic Recovery**

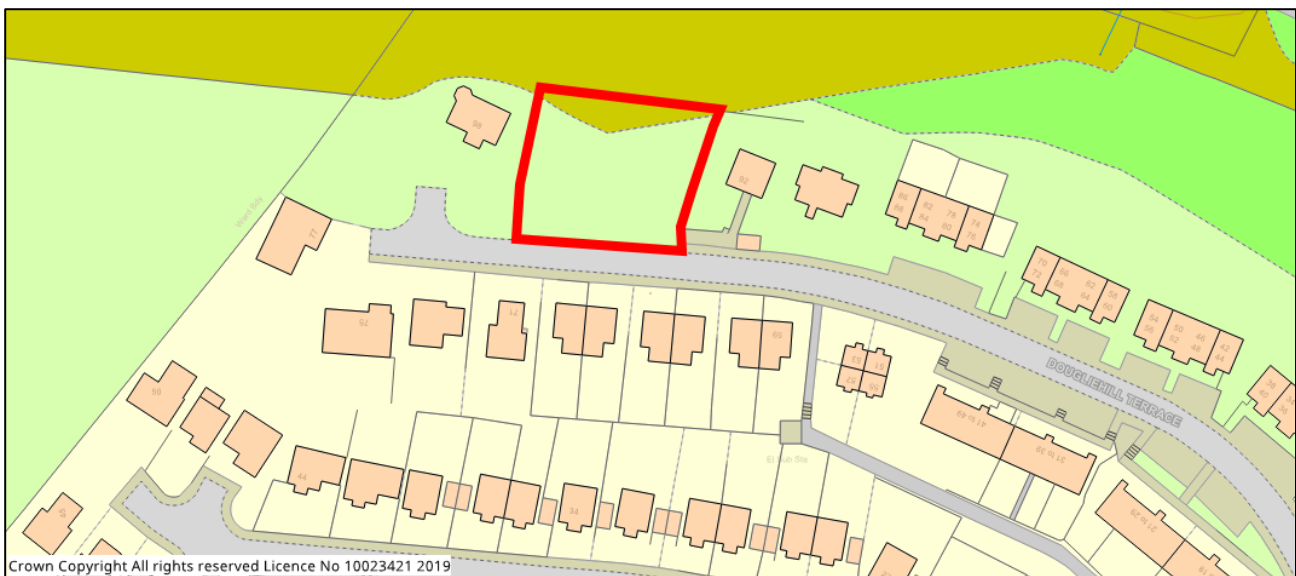
**Report No: 21/0019/IC
Plan 04/21**

**Local Application
Development**

Contact Officer: James McColl

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Subject: 4 no. new-build residential units at Dougliehill Terrace (amendment to planning permission 17/0406/IC in respect of design and levels) at Land At Dougliehill Terrace, Port Glasgow



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SUMMARY

- The proposal is a departure from the Inverclyde Local Development Plan
- One representation has been received
- 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=QNL3NMIMKAQ00>

SITE DESCRIPTION

Extending to an area of around 1160 square metres, the application site comprises an area of vacant ground situated on the northern side of Dougliehill Terrace, Port Glasgow. The site steeply slopes down to the north and has recently been cleared of vegetation. A variety of dwellinghouses lie adjacent on Dougliehill Terrace with open ground and wooded areas to the north towards the cycle path beyond.

PROPOSAL

In June 2018, planning permission was granted for the erection of four semi-detached dwellinghouses with associated parking, positioned behind the line of a new public footpath linking those fronting nos. 92 and 98. With the land dropping away steeply, the proposed houses were of a split level design and accessed via a set of stairs.

This application comprises an amendment to the previous approval in respect of the design of the dwellings. The houses are no longer of a split level design and are arranged over three floors. Due to site levels the entrance is now provided at second floor level via an access bridge from the new footway. Overall, it remains that the proposed houses are within a similar position on site and are of a similar scale and massing to those originally approved. The proposed white rendered walls and grey roof tiles reflect the original design. It remains that each proposed dwellinghouse has four bedrooms.

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 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.

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

PLANNING POLICY STATEMENT ON OUR HOMES AND COMMUNITIES

Policy A - Land for Housing

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:

- a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- there being no adverse impact on the delivery of the Priority Places and Projects identified by the adopted 2019 Inverclyde Local Development Plan;
- evidence that the proposed site will deliver housing in time to address the identified shortfall within the relevant Housing Market Area; and
- a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing.

Policy B - New Housing Development

New housing development will be supported on the sites identified in Schedule 1, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against Planning Application Advice Notes Supplementary Guidance.

There will be a requirement for 25% of houses on greenfield development sites in the Inverclyde villages to be for affordable housing.

Policy D - 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 application was advertised in the Greenock Telegraph on 5th February 2021 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

One representation was received. Whilst no objection is raised, a number of points are raised as follows:

- The land to the north of the application site is under separate title and the Council previously stated that under no circumstances should any spoil or excavated materials be deposited on this ground.
- No materials can be deposited outwith the development site boundaries.
- Clarification of how is the retention of the under build is to be formed is required.

I will consider these points in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are national planning policy inclusive of Scottish Planning Policy (SPP), the Inverclyde Local Development Plan, Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development", the Council's Planning Policy Statement on Our Homes and Communities, the visual impact, the impact on residential amenity, the representation received and the planning history of the site.

In first considering the planning history, the application site falls within a larger development which was not completed by the original developer. Thereafter, development within this part of Dougliehill Terrace has been undertaken in an incremental, plotted basis. The application site subsequently became known as plots 3 and 4, with planning permission being granted for two detached dwellinghouses in November 1990. The planning permission was not implemented. Planning permission was re-established in June 2018, this time for four houses. It therefore first rests to consider whether there are any material planning considerations which would now result in the site no longer being suitable for a residential development.

It remains that SPP introduces a presumption in favour of sustainable development and indicates that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place but not to allow development at

any cost. Planning policies and decisions should support sustainable development. Since the granting of planning permission in 2018, the 2019 Inverclyde Local Development Plan has been adopted.

A decision of the Court of Session in July 2020 quashed the 'Our Homes and Communities' chapter of the Plan, meaning the Plan does not contain an adopted policy context for assessing housing proposals. In response to this, in October 2020 the Council approved a Planning Policy Statement on 'Our Homes and Communities'. This sets out the Council's assessment of the housing land position in Inverclyde (as at October 2020). This assessment indicates that there could be a shortfall of housing land in Inverclyde. Policy A of the Statement sets out criteria that the Council will consider if additional housing land is required. In December 2020, the Council published a Main Issues Report associated with the preparation of a new local development plan. This also sets out the Council's assessment of the housing land position (as at December 2020). It also indicates there could be a shortfall of housing land and identifies preferred options for additional housing land. It is important to state that the Main Issues Report is not a policy document but a statutory early engagement stage in the local development plan process.



View from south-west corner of site on Dougliehill Terrace, looking east

Considering Policy A of the Council's Planning Policy Statement, where there is a requirement for additional land for housing development the Council will consider proposals with regard to the policies applicable to the site together with there being a strong preference for appropriate brownfield sites within the identified settlement boundaries; there being no adverse impact on the delivery of the Priority Places and Projects identified by the Local Development Plan; and evidence that the proposed site will deliver housing in time to address the identified shortfall within the relevant Housing Market Area. Policy B supports new housing development on the sites identified in Schedule 1, and on other appropriate sites within residential areas and town and local centres. The site is not included in Schedule 1.

Notwithstanding the extant planning permission dating from 2018 for the erection of four dwellinghouses, the site is identified as open space on the 2019 Local Development Plan Proposals Map. Policy 35 advises that 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. Policy 1 of the Plan requires all development to have regard to the six qualities of successful places. The relevant factors in respect of this development contributing to the qualities of successful places are being "Distinctive" in reflecting local architecture and urban form and being "Safe and Pleasant" in

avoiding conflict with adjacent uses in respect in respect of overshadowing, privacy and noise together with minimising the impact of traffic and parking on the streetscene. Also relevant is being “Welcoming” in making buildings legible and easy to access and creating a sense of arrival and being “Resource Efficient” by incorporating low and zero carbon energy-generating technology.

It is recognised that the site is identified as part of a wider area of open space which forms part of the green network following the line of the cycle path and linking to the open countryside which forms part of the Green Belt beyond. However, the planning history indicates that it was never the intention that this site formed part of this open space provision within the area. The site is steeply sloping and although recently cleared, prior to this comprised rough ground with only limited scrub planting. The sloping nature results in the site having no usability or function for recreation. Overall, it is not considered to form an area of open space which is of either quality or value. Whilst it is true that the area has the potential to be of greater quality and value and this could be sought through enhancements such as new planting, it remains that there is an extant planning permission in place which could be implemented. It was never the intention that this site form part of the open space provision within the area and the development of this site would not be to the detriment of the wider area of open space to the south of the cycle path corridor. The site also forms part of a wider residential development within the settlement boundary. It is also recognised that there could be a shortfall of housing land in Inverclyde and a development of this scale would be unlikely to impact on the delivery of the “Priority Places”, the proposal would deliver a small number of residential units in the context of addressing a shortfall, and it is a site in the settlement boundary. The site is therefore appropriate for development in the context of Policies A and B of the Council’s Planning Policy Statement.



View of site from within next to Dougliehill Terrace looking north-west

I therefore consider that in principle, this remains an appropriate site for a residential development of this nature despite this being contrary to the open space designation in the Local Development Plan. It therefore rests to consider the appropriateness of the amendments over the most recent planning permission.

PAAN3 advises that for developments of less than 10 houses, private garden ground should accord with the established density and pattern in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. It was considered in 2018 that the proposals reflect the garden sizes typical of the street and I consider this remains the case. Turning to the design of the dwellings themselves, it remains that these are considered in the context of a varied pattern of development within Dougliehill Terrace which comprises a street of mixed housing designs and sizes. As noted in 2018, there are examples of houses of 3 storeys and of semi-detached houses. The buildings to either side of the application site are finished in white/cream render and the adjacent

house has a grey tiled roof. A key change to the design is the entrance to the dwellings being at second floor level and taken via an access bridge. This entrance arrangement is already found within the street, including at the neighbouring property. In terms of appearance and character, I am satisfied that it remains that the proposed houses are in keeping with the established streetscape. With regard to residential amenity, it is accepted that neighbouring residential properties have an established level of amenity. The design, layout and positioning of the proposed houses does not raise any additional amenity concerns in respect of overlooking and privacy or daylight and sunlight beyond the existing planning permission. It remains that the noise and activity generated by the new dwellinghouses would be typical of that emanating from a domestic setting and I do not therefore consider that undue noise disturbance to neighbouring residents would occur. I am satisfied that the proposal is acceptable with reference to Policy D of the Council's Planning Policy Statement which seeks to safeguard the residential amenity of the adjoining dwellings.

Considering roads and parking, the parking provision, position and access to the road remain as per the existing planning permission in place. The applicant has also confirmed that the drainage arrangements remain as per the existing permission. The amended proposal therefore raises no issues with reference to Policies 8, 9, 10 and 11 of the Local Development Plan. Since the previous application, the site has been largely cleared of vegetation and there is nothing which leads me to conclude that in respect of Policy 33, any matters relating to ecology or biodiversity arise beyond the previous granting of planning permission. Matters relating to ground contamination and Japanese Knotweed can be addressed by condition in accordance with the existing planning permission. In this respect, I also consider that the proposals comply with the requirements of Policy 16 of the Local Development Plan.

As an element of design, Policy 6 of the Local Development Plan seeks to ensure that all new buildings are energy efficient through the installation of low and zero carbon generating technologies. This policy supports 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. The requirement can be addressed by condition.

Turning to the outstanding points raised in the representation received, a previous issue regarding the use of adjacent land for the depositing of spoil and materials associated with the construction of a house on one of the neighbouring plots is acknowledged, but this was addressed via the granting of planning permission in June 1999 for the re-grading and re-seeding of land. The drawings indicate a cut and fill arrangement within the site and this follows the approach of the existing planning permission. The applicant has also confirmed that there are no proposals to deposit materials on adjacent ground, outwith the plot boundaries. The details of the retention of any under build is a matter for the building warrant process.

In conclusion, 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. Having fully assessed this proposal, I am satisfied that despite the site being identified as being part of an area of open space, material considerations inclusive of the extant planning permission for four dwellings on the site indicate that it remains that this site is one which is appropriate for residential development, contrary to the open space designation. I have fully assessed the amended proposal with reference to the planning permission in place and I am satisfied that it remains acceptable. I also consider that the proposal is both sustainable development and the right development in the right place with reference to SPP. Planning permission should therefore be granted subject to the conditions below.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. That prior to their use on site, details of all external materials (inclusive of paving and hard surfacing) shall be submitted to and approved in writing by the Planning Authority.

Thereafter development shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.

2. Prior to the dwellinghouses hereby permitted being occupied, a 2 metre wide footway shall be formed over the frontage to Dougliehill Terrace and the off-street parking be provided within the site to the satisfaction of the Planning Authority. The off-street parking shall then remain free from obstruction and available for use by residents at all times thereafter.
3. The parking spaces shall be provided of a minimum size of 2.5 metres by 5.5 metres.
4. The gradient of the parking spaces shall not exceed 10%.
5. All surface water during and after development is to be maintained within the site boundary.
6. Confirmation of connection to the Scottish Water Network must be submitted for approval prior to commencement of work on site.
7. Prior to their erection, details of all boundary fences and/or walls shall be submitted to and approved in writing by the Planning Authority. Thereafter development shall proceed as approved unless the Planning Authority gives its prior written approval to any alternative.
8. That prior to the commencement of works on site, details of the bin storage arrangements inclusive of the design and appearance of any bin stores shall be submitted to and approved in writing. The approved bin store arrangements shall then be formed prior to the dwellinghouses hereby permitted being occupied and retained on site at all times thereafter to the satisfaction of the Planning Authority
9. 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 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.
10. 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.
11. 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.
12. 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 and amendments to the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.

13. The dwellinghouses hereby permitted shall be 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, details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the dwellinghouse on site.

Reasons

1. To ensure a continuity of finishing materials in this part of Port Glasgow.
2. In the interests of pedestrian safety on Dougliehill Terrace.
3. To ensure that the parking spaces may be effectively and safely used.
4. To ensure that the parking spaces may be effectively and safely used.
5. To prevent any surface water flowing onto the road or surrounding land in the interests of road and public safety.
6. In the interests of residential amenity.
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
10. To satisfactorily address potential contamination issues in the interests of environmental safety.
11. 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.
12. To ensure that all contamination issues are recorded and dealt with appropriately.
13. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

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