

Report To: The Planning Board

Date: 1 September 2021

Report By: Interim Service Director  
Environment & Economic Recovery

Report No: 21/0132/IC  
Plan 09/21

Local Application  
Development

Contact Officer: David Sinclair

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Subject: Proposed erection of detached house at  
Ardvaar, Wemyss Bay Road, Wemyss Bay.



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## SUMMARY

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Nine objections have been received raising concerns over access and parking, design, flooding and drainage and impacts on streetscape and neighbouring Listed Building.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=summary&keyVal=QRWVYPIMMM600>

## **SITE DESCRIPTION**

The application site comprises an area of garden ground which covers the south-eastern portion of the property known as "Ardvaar", on the northern-eastern side of Wemyss Bay Road, Wemyss Bay. Ardvaar covers approximately 0.32 hectares and consists of a two storey detached dwellinghouse with a double garage positioned to the rear of the building, both contained within the north-western portion of the curtilage. The dwelling is finished with a grey slate roof; white uPVC windows; black fascia and rainwater goods; and white render walls, with decorative buff blocks of varying sizes in use under the front window and for the chimney and entrance on the east side elevation. Similar materials are used on the garage.

The application site contains an area of hardstanding topped with gravel on the south-eastern side of the dwellinghouse, currently used for parking vehicles accessed via a gravel driveway at the south-east corner of the site, with the remainder of the site being largely covered with grass. Boundary treatments include a brick wall approximately 1.2 metres in height along Wemyss Bay Road, with a timber frame fence and hedging along the south-east boundary and larger hedges along the rear, north-east boundary. A number of mature trees are located around the north-east site boundary.

The application site is located on a south facing slope, which steepens towards the rear of the site, with a front garden gradient of approximately 1 in 60 and a rear garden gradient of approximately 1 in 20, increasing to as steep as 1 in 3 at the rear boundary.

## **PROPOSAL**

Planning permission is sought to subdivide the existing grounds at Ardvaar and for the erection of a detached bungalow. The proposed dwellinghouse is to be located on the south-east side of the existing two storey dwellinghouse at Ardvaar and will be set within a plot covering approximately 1500 square metres, being set back from the front boundary by approximately 22.5 metres. The proposed dwellinghouse is to cover a footprint of approximately 150 square metres with the floor level matching the ground floor level of the existing two storey dwellinghouse. An offset 'T' shaped pitched roof of around 30 degrees is proposed, giving the proposed dwellinghouse a total height of approximately 5.9 metres. It is to be finished in dark grey concrete tiles; white render walls with a dark grey base course and some feature cladding panels at roof level on the sides and between two rear windows; and grey uPVC doors and windows.

The proposed dwellinghouse is to be set back from the south-eastern side boundary by approximately 4 metres. A detached garage is proposed along the south-eastern boundary; set approximately 5.8 metres behind the rear building line, with the side wall between 0.6 and 0.8 metres from the boundary. The garage is proposed to contain a pitched roof with a side facing gable. It is proposed to have a front and rear facing pitched roof, with a ridge height of approximately 3.9 metres. It is also proposed to be finished with a dark grey concrete tile roof; white render walls; and a grey garage door to match the materials and finishes on the proposed dwellinghouse.

Access is to be taken from the existing access point on Wemyss Bay Road, with parking space for 3 cars to be provided within the curtilage between the rear of the proposed dwellinghouse and the front of the proposed garage. A new access is proposed to be formed for the existing dwellinghouse to the west of the site boundary, however these works can be carried out as permitted development and do not require assessment as part of this application.

## **DEVELOPMENT PLAN POLICIES**

### **ADOPTED 2019 LOCAL 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:

- be at significant risk of flooding (i.e. within the 1 in 200 year design envelope);
- increase the level of flood risk elsewhere; and
- 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:

- 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
- 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 29 – Listed Buildings**

Proposals for development affecting a listed building, including its setting, are required to protect its special architectural or historical interest. In assessing proposals, due consideration will be given to how the proposals will enable the building to remain in active use.

Demolition of a listed building will not be permitted unless the building is no longer of special interest; it is clearly incapable of repair; or there are overriding environmental or economic reasons in support of its demolition. Applicants should also demonstrate that every reasonable effort has been made to secure the future of the building.

**Planning Application Advice Notes (PAAN) 2** on “Single Plot Residential Development” and **(PAAN) 3** on “Private and Public Open Space Provision in New Residential Development” apply.

## **PROPOSED 2021 LOCAL 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 and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

### **Policy 6 – Low and Zero Carbon Generating Technology**

Support will be given to all new buildings designed to ensure that at least 20% 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 25% by the end of 2025.

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 or natural environment.

### **Policy 9 – 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 risk management 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 resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

### **Policy 10 – 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 4th 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:

- a) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- b) 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, which identifies who will be responsible for maintenance and how this will be funded in the long term.

### **Policy 11 – 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, including links to the wider walking, cycling network and public transport 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 national, regional and 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; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

### **Policy 12 – 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, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 18 – Land for Housing**

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

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 the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

### **Policy 20 – 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.

### **Policy 29 – Listed Buildings**

Proposals for development affecting a listed building, including its setting, are required to protect its special architectural or historical interest. In assessing proposals, due consideration will be given to how the proposals will enable the building to remain in active use.

Demolition of a listed building will not be permitted unless the building is no longer of special interest; it is clearly incapable of meaningful repair; or there are overriding environmental or

economic reasons in support of its demolition. Applicants should also demonstrate that every reasonable effort has been made to secure the future of the building as set out in national guidance.

**Draft Planning Application Advice Notes (PAAN) 2** on “Single Plot Residential Development” and **(PAAN) 3** on “Private and Public Open Space Provision in New Residential Development” apply.

## **CONSULTATIONS**

**Head of Service – Roads and Transportation** – Comments were received as follows:

- Parking should be provided in accordance with the National Guidelines. The proposed development consists of a 2 bedroom dwelling that requires 2 spaces.
- Each space on the driveway shall be a minimum of 3.0m by 5.5m. The driveway is suitable to meet 2 spaces.
- For the garage to be counted as a parking space, it must be a minimum of 3.0m by 7.0m. The applicant should demonstrate that this is achievable.
- The driveway and garage access should be paved for a minimum distance of 2.0m to prevent loose driveway material being spilled onto the road and the gradient shall not exceed 10%.
- The applicant has demonstrated that they can achieve a visibility splay of 2.4m x 20m x 1.05m. This is acceptable.
- All surface water should be managed within the site to prevent flooding to surrounding properties and the public road network.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.

**Head of Public Protection and Covid Recovery** – Comments were received as follows:

- The discovery of previously unrecorded contamination or Japanese Knotweed during site development works shall be brought to the attention of the Planning Authority, works shall cease immediately and the site made safe. Works shall not continue until a Remediation Scheme has been submitted to and approved, in writing by the Planning Authority. This is recommended to ensure that all contamination and Japanese Knotweed concerns are managed appropriately.
- The applicant shall submit to the Planning Authority a detailed specification of the containers to be used to store waste materials and recyclable materials produced on the premises as well as specific details of the areas where such containers are to be located. The use of the residential accommodation shall not commence until the above details are approved in writing by the Planning Authority and the equipment and any structural changes are in place. This is recommended to protect the amenity of the immediate area and prevent the creation of nuisance due to odours, insects, rodents or birds.
- All external lighting on the application site should comply with the Scottish Government Guidance Note “Controlling Light Pollution and Reducing Lighting Energy Consumption”. This is recommended to protect the amenity of the immediate area, the creation of nuisance due to light pollution and to support the reduction of energy consumption.
- The sound insulation should have regard to advice and standards contained in the current Scottish Building Regulations. This is recommended to ensure that acceptable noise and vibration levels are not exceeded.
- Advisory notes are recommended with regard to: site drainage; Construction (Design & Management) Regulations 2015 (CDM 2015); surface water; and the design and construction of buildings relating to gulls.

**Transport Scotland** – No objections.

**Scotia Gas Networks (SGN)** – An enquiry has been undertaken via ‘the line search before you dig’ portal which produced a map indicating that no gas pipelines intercept the application site.

The response noted that the plan provided only shows the pipes owned by SGN as a Licensed Gas Transporter (GT). Privately owned gas pipes or ones owned by other GTs may be present in the area and information regarding those pipes needs to be requested from the owners.

## **PUBLICITY**

An advertisement was placed in the Greenock Telegraph on the 21<sup>st</sup> May 2021 due to there being neighbouring land with no premises situated on it.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification. Eight representations were received from nine individuals objecting to the proposal. Concerns were raised as follows:

### Access and Parking

- The application form states there are no parking spaces located on the red line site, whilst there is parking for multiple vehicles on the existing hard standing.
- No details are indicated for the new access shown for Ardvaar. While the agent has stated it is not an access to a public road, this is not the case. Wemyss Bay Road is not adopted but it is a very well used 'public' road. The new access forms part of this application and the red line needs to include the new access.
- Concerns over additional traffic created by the development.
- Concerns over the provision of an additional entrance onto the unadopted road.

### Design and Visual Impact

- The Victorian buildings along Wemyss Bay Road are of historic importance to Inverclyde. The buildings have connections to some of Scotland's important families and the neighbouring Dunloe House has a further connection to Charles Rennie Mackintosh.
- Concerns over the development being so close to Dunloe House. Dunloe House plans were drafted by Mackintosh and the house is considered to be a formative influence on his design style. The house proposed is of poor quality design and far too close to the mansion house, spoiling its setting.
- The proposed standard bungalow is of poor design quality and is neither sympathetic to the prominent coastal location nor more importantly the setting of the listed building.
- Concerns that the siting and design of the property will negatively affect the character of the road. The character of Wemyss Bay Road is defined by large properties set back in large gardens creating an arc back from the road. This development spoils the character of the street, creating visual incongruity and unacceptable proximity to the front of the neighbouring B listed building, notably in relation to materials used and architectural style.
- Concerns over a lack of supporting information to support the design, siting and materials proposed.
- The development's visual intrusion could be mitigated by relocating the development back to the property line and part burying the property below the ground level.
- The proposed detailing should enhance the existing shore road elevation.

### Flooding and Drainage

- Lack of SUDS on the application is contrary to planning policy.
- Concerns over flood risk as the form states no risk when the SEPA website and flood maps show medium risk for coastal flooding and surface water.
- Concerns over lack of drainage assessment.
- Concerns over the proposal diverting surface water onto neighbouring properties.



## Procedural Concerns

- Inaccuracies over tree declaration as there are trees and hedging at the site boundary.
- Concerns over a lack of information provided.
- The planning portal shows no consultation responses from Historic Environment Scotland, SEPA, Council, Drainage and Highways.

## Other Concerns

- Potential restrictions contained with the title deeds that prevent the construction of buildings in this area.
- Concerns that the development will set a precedence that will destroy the historic frontage by further development.

## **ASSESSMENT**

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); the adopted Planning Application Advice Notes (PAAN) 2 on “Single Plot Residential Development” and (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development”; draft Planning Application Advice Notes (PAAN) 2 on “Single Plot Residential Development” and (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development”; the consultation responses; and the representations received.

The proposal is located within an existing residential area where Policy 1 of the adopted Plan and Policies 1 and 20 of the proposed Plan are applicable. The proposal is for a new dwellinghouse, therefore Policy 6 in both LDPs and Policy 18 in the proposed LDP require consideration. As the proposal is to be located in the proximity of a category ‘B’ listed building, Policy 29 in both LDPs is applicable. Policy 8 of the adopted Plan and Policy 9 of the proposed Plan are relevant in terms of potential flood risk. Policy 9 of the adopted Plan and Policy 10 of the proposed Plan require to be considered in terms of drainage impact. As the proposal will generate demand for traffic and parking, and future sustainability requirements with regard to car use are applicable, Policies 10 and 11 of the adopted Plan and Policies 11 and 12 of the proposal Plan are also relevant.

Policy 18 of the proposed Plan states that new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development are to be assessed against the relevant Supplementary Guidance.

Policy 1 in both LDPs requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which the adopted and draft PAANs 2 and 3 are relevant to this proposal. The relevant qualities in Policy 1 are being ‘Distinctive’, ‘Resource Efficient’, ‘Safe and Pleasant’ and ‘Welcoming’. The factors relevant to the proposal meeting the quality of being ‘Distinctive’ in the adopted LDP are to reflect local architecture and urban form and contribute positively to historic buildings and places. In Policy 1 of the proposed LDP, the relevant factors to meeting the quality of being ‘Distinctive’ are whether the proposal respects landscape setting and character, and urban form; reflects local vernacular/architecture and materials; and contributes positively to historic buildings and places. The relevant factors of being ‘Resource Efficient’ in both LDPs are making use of existing buildings and previously developed land and incorporating low and zero carbon energy-generating technology. The relevant factors of being ‘Safe and Pleasant’ in both LDPs are whether the proposal avoids conflict with adjacent uses and minimises the impact of traffic and parking on the street scene. The relevant factors of being ‘Welcoming’ in both LDPs are integrating new development into existing communities and making buildings legible and easy to access. Additionally, Policy 20 of the proposed LDP requires the proposal to be assessed with regard to its potential impacts on the amenity, character and appearance of the area.

In terms of impacts on the amenity of neighbouring properties, I will consider the guidance given in the adopted and draft PAANs 2 and 3. Both PAAN 2s state that infill plots will be considered

with reference to those in the locality relating to plot size, proportion of built ground to garden ground, distance of the building to garden boundaries, established street front building line, building height, roof design and use of materials and colours. Windows should comply with the window intervisibility guidance and side facing windows should be avoided, with the exception of bathroom windows fitted with obscure glazing, or where appropriate boundary screening is provided. On site car parking should also be provided in accordance with the National Roads Development Guide, to levels comparable with the established street pattern and be capable of being implemented without detriment to road safety.

With respect to the adopted and Draft PAAN3, the proposal is considered as small scale single plot infill development. Both PAAN3s state that for small scale infill developments, 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. In all instances the minimum window to window distances should be achieved.



The site as viewed from Wemyss Bay Road

The existing building pattern on Wemyss Bay Road is characterised by a variety of styles of dwellings ranging from large detached villas set in substantial plots, to flats and buildings of a more modern and contemporary design in smaller plots. The subdivision of the plot will result in two plots which are still reasonably large in size, covering approximately 1700 and 1500 square metres respectively. In terms of built ground to garden ground, the house and garage combined will cover approximately one-eighth of the site, which can be considered acceptable relative to neighbouring properties in terms of built ground to garden ground ratios.

The proposed dwellinghouse sits roughly in line with the neighbouring dwellings to the north-west at Fresh Creek and Ardvaar and will have similar distances to front and rear plot boundaries. The proposed house will sit considerably closer to the road than the buildings to the east, which contain substantial front gardens, with set-back distances of almost 100 metres, resulting in the neighbouring buildings to the east being further set-back from Wemyss Bay Road than the rear of the application site and neighbouring sites to the west. The relationship between these older, significantly recessed buildings and those more recent houses nearer to Wemyss Bay Road is an established characteristic of the townscape and the streetscene. Furthermore, whilst the proposed house in question will be considerably closer to the road than the neighbouring buildings to the east, it will recognisably be contained within the existing grounds of Ardvaar and be directly identified with it rather than the properties to the east.

In considering building height, the proposed dwellinghouse is to be single storey and notably lower in height than Ardvaar, however it will be similar in height to Fresh Creek, which is also a single storey detached dwelling to the north-west of Ardvaar. The roof design is similar to that of Ardvaar to the front, comprising a front and rear facing pitched roof. The choice of finishes for the walls and roof of the proposed dwellinghouse are similar to those seen on Ardvaar, however I note that the exact finishes have not been specified. This matter can be addressed by condition. I note the use of contemporary materials on the building, particularly for the windows, doors and decorative panelling. Whilst these features are not replicated on the neighbouring properties, I note that the buildings along Wemyss Bay Road are all unique in terms of design and decorative features, with a range of materials and finishes existing along the frontage. Taking this into consideration, I consider that the proposal is acceptable with regard to the established character of the area and can be considered visually acceptable. All windows meet the window to window distances shown in both PAAN 3s. Based on the above assessment, I conclude that the proposal raises no conflict with regard to the aims of both PAAN 3s.



The application site as viewed from in front of Dunloe House, with the site being located on the right of the row of boundary hedging.

It stands that the proposal meets the quality of being 'Distinctive' in Policy 1 of both LDP's and will have an acceptable impact on the character and appearance of the area (Policy 20). Further consideration is required regarding the impact on the setting of the neighbouring category 'B' listed building (Policy 29). I shall assess this against the guidance given in the "Managing Change in the Historic Environment" guidance note on 'Setting'. The guidance note identifies a number of factors to be considered in assessing the impact of a change on the setting of a historic asset or place. Those relevant to this application are whether key views to or from the listed building are interrupted; whether the proposal would dominate or detract in a way that affects our ability to understand and appreciate the historic asset; and the visual impact of the proposal relative to the listed building.

The adjoining listed building at Dunloe contains a large front garden, with the building being set back from Wemyss Bay Road by just under 100 metres and it sits in a substantially recessed position from Wemyss Bay Road relative to the existing dwellinghouse at Ardvaar. The

properties along Wemyss Bay Road sit on a gradient of around 1 in 20 which will result in the listed building being elevated relative to the proposed dwellinghouse by around 4 metres. The proposed dwellinghouse is to be around 73 metres from the listed building at its closest point, with the rear garage being slightly closer at around 59 metres. To the rear of the application site lies a bank of mature trees, which sits forward of the listed building relative to Wemyss Bay Road and clearly separates the two sites. I note that the front garden of the listed building contains an established level of planting around its boundaries, which clearly frame the garden and focus views from the listed building down the length of the garden towards the Firth of Clyde and not towards the application site. This is further emphasised by the bank of mature trees to the rear of the application site.

In considering the impact on the setting of the listed building, I note that the proposal is not sited within its grounds and is clearly contained within a separate curtilage. The proposal will be most notably visible in context of the listed building from Wemyss Bay Road in front of the application site, however the scale and position of the proposal means that it will not create a direct visual obstruction of the listed building from the listed building's own curtilage street frontage. I am satisfied that the proposal can be implemented without key views to or from the listed building being interrupted and that the scale and position of the proposal will not dominate or detract from its historic value. It stands that the proposal can be considered acceptable with regard to the "Managing Change in the Historic Environment" guidance note on 'Setting'. The proposal can therefore be considered acceptable with regard to Policy 29 of both LDPs.

With regard to Policy 8 of the adopted LDP and Policy 9 of the proposed LDP, part of the site is shown on SEPA's flood maps as at risk of surface water flooding. I note the concerns raised over potential coastal flooding, however I also note that SEPA's flood maps indicate that no part of the site is at risk of coastal flooding, with the maps showing only areas on the coastal side of Wemyss Bay Road as being at risk. In assessing concerns over surface water issues, the Head of Service – Roads and Transportation, within her capacity as Flooding Officer, raises no objections in respect of the site itself or the surrounding land but has requested a condition be placed on the granting of any consent for all surface water to be managed within the site to prevent flooding to surrounding properties and the road network. I concur with her recommendation and am satisfied that this matter can be addressed by means of condition. On this basis I conclude that the proposal accords with adopted LDP Policy 8 and proposed LDP Policy 9.

In considering the impacts of the proposal on drainage, I note the concerns raised in the objections over a lack of a drainage assessment and a lack of Sustainable Drainage System (SuDS) details on the application form. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP give consideration to drainage, stating that new 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. As the proposal is for a single dwellinghouse, the provision of SuDS details is not required under these Policies. The Head of Service – Roads and Transportation, within her capacity as Flooding Officer, has confirmed that the proposal does not raise concerns that would require a Drainage Impact Assessment to be provided. As such, I am satisfied that the proposal presents no conflict with adopted LDP Policy 9 or proposed LDP Policy 10.

With regard to Policy 11 of the adopted LDP and Policy 12 of the proposed LDP and the impacts on traffic and parking on the street scene, I note the concerns raised in the objections over additional traffic resulting from the development, the provision of an additional entrance onto Wemyss Bay Road, lack of details regarding the new entrance onto Wemyss Bay Road and the new entrance being sited outwith the red line boundary. In considering these matters, I turn to the consultation response received from the Head of Service – Roads and Transportation. She raises no objections to the proposal in terms of parking or road safety issues, noting that the driveway provides sufficient space for parking in accordance with the National Roads Development Guidelines. I concur with her remarks and consider that the provision of these spaces can be addressed by condition. Regarding matters concerning parking space sizes, gradients and driveway materials, these can also be addressed by means of condition. It is also noteworthy that Transport Scotland raises no objections to the proposal.

Based on the above, I consider that the proposal complies with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. Furthermore, it will have an acceptable impact on traffic and parking on the streetscene, as required to meet the quality of being 'Safe and Pleasant' in Policy 1. Taking into consideration all of the above, the proposal raises no conflict with the aims of both PAAN 2s, and therefore is in accordance with Policy 18 of the proposed LDP.

The proposal can be implemented without causing conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it meets the quality of being 'Safe and Pleasant' in Policy 1. I am therefore satisfied that the proposal can be implemented without impacting negatively on the amenity of the area and is in accordance with Policy 20 of the proposed LDP.

The proposal makes use of previously developed land, being sited on hardstanding within the curtilage of a dwellinghouse, in accordance with the quality of being 'Resource Efficient'. In order for the proposal to meet the quality of being 'Resource Efficient', it also needs to incorporate low and zero carbon energy-generating technology. Policy 6 requires all new buildings to be designed to ensure the carbon dioxide emissions reduction standard set by the Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. I am content that this matter can be satisfactorily controlled by condition. Policy 10 of the adopted LDP and Policy 11 of the proposed LDP require proposals to include electric vehicle charging infrastructure, having regard to the Supplementary Guidance on Energy. The guidance indicates that for new residential development consisting of single or multiple dwellings, one trickle charging point should be provided per dwelling. This matter can be satisfactorily controlled by condition and I am content that the proposal will incorporate low and zero carbon energy-generating technology. The proposal also makes use of previously developed land, therefore it meets the quality of being 'Resource Efficient' in Policy 1, and complies with Policy 6 of both LDPs.

In considering other matters raised by consultees not addressed above, in particular matters raised by the Head of Public Protection and Covid Recovery, I concur with his remarks requesting that appropriate measures are undertaken to deal with any contamination or Japanese Knotweed discovered on site. These matters can be addressed by means of condition. The other conditions requested regarding waste storage, external lighting and sound insulation are matters most appropriately controlled by other legislation. Advisory notes on these matters can, I consider, be added to the other advisory notes he recommends as part of the granting of any planning permission.

Turning to concerns raised by the objectors not addressed above, concerning inaccuracies over the tree declaration on the application form, I note that there are no trees within the application site and that whilst there are trees located on neighbouring sites, no works to any neighbouring trees are proposed to be carried out as part of the proposal. Regarding the planning portal not showing consultation responses, these are not required to be made public in the first instance. Restrictions in any title deeds that may limit development on the site are a civil matter to be resolved between the parties involved and are not material planning considerations, therefore they have no bearing on the assessment of this application. Regarding the concerns raised over the proposal setting a precedent that will destroy the historic frontage by enabling further development, any future development proposals will be separately assessed against its own merits.

In conclusion, the proposal is in accordance with adopted LDP Policies 1, 6, 8, 9, 10, 11 and 29 and proposed LDP Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29. 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. As the proposal is in accordance with the relevant policies in both the adopted and proposed Local Development Plans and there are no material considerations which would warrant refusal of the application, I conclude that planning permission should be granted, subject to conditions.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. That prior to the commencement of development, full details of boundary treatments between the site of the existing dwellinghouse at Ardvaar and the dwellinghouse hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved boundary treatments shall thereafter be used unless a variation is approved in writing by the Planning Authority.
2. Prior to their use, samples of all facing materials to the dwellinghouse hereby permitted shall be submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. All surface water shall be contained within the site.
4. The dwellinghouse 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 (rising to at least 20% by the end of 2022), details of which shall be submitted to and approved in writing by the Planning Authority prior to the erection of the buildings.
5. The dwellinghouse hereby permitted shall be designed to include at least one trickle charging point made accessible for the charging of electric vehicles, details of which shall be submitted to and approved in writing by the Planning Authority and implemented, all prior to the occupation of the house.
6. The dwellinghouse hereby permitted shall not be occupied until two off-street parking spaces, each measuring a minimum of 3.0m x 5.5m have been provided within the site.
7. The driveway and garage access hereby permitted shall be paved for a minimum distance of 2.0m adjacent to Wemyss Bay Road and the gradient shall not exceed 10% all prior to occupation of the dwellinghouse.
8. In the event that previously unrecorded contamination or Japanese Knotweed is discovered during site development, works shall be brought to the attention of the Planning Authority, works shall cease immediately and the site made safe. Works shall not continue until a Remediation Scheme has been submitted to and approved, in writing by the Planning Authority.

Reasons:

1. To ensure that an appropriate boundary treatment is provided in the interests of visual amenity.
2. To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.
3. To ensure the development does not increase the risk of flooding to neighbouring properties or to Wemyss Bay Road.
4. To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.
5. To ensure adequate provision is made to encourage the use of electric vehicles.
6. To ensure suitable parking provision for the new development in the interests of road safety.
7. To ensure the provision of adequate driveways and to prevent loose material being carried onto the road.

8. To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.

Stuart Jamieson  
Interim Service Director  
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.