

Report To: The Planning Board

Date: 5 June 2024

Report By: Director
Environment and Regeneration

Report No: 24/0036/IC

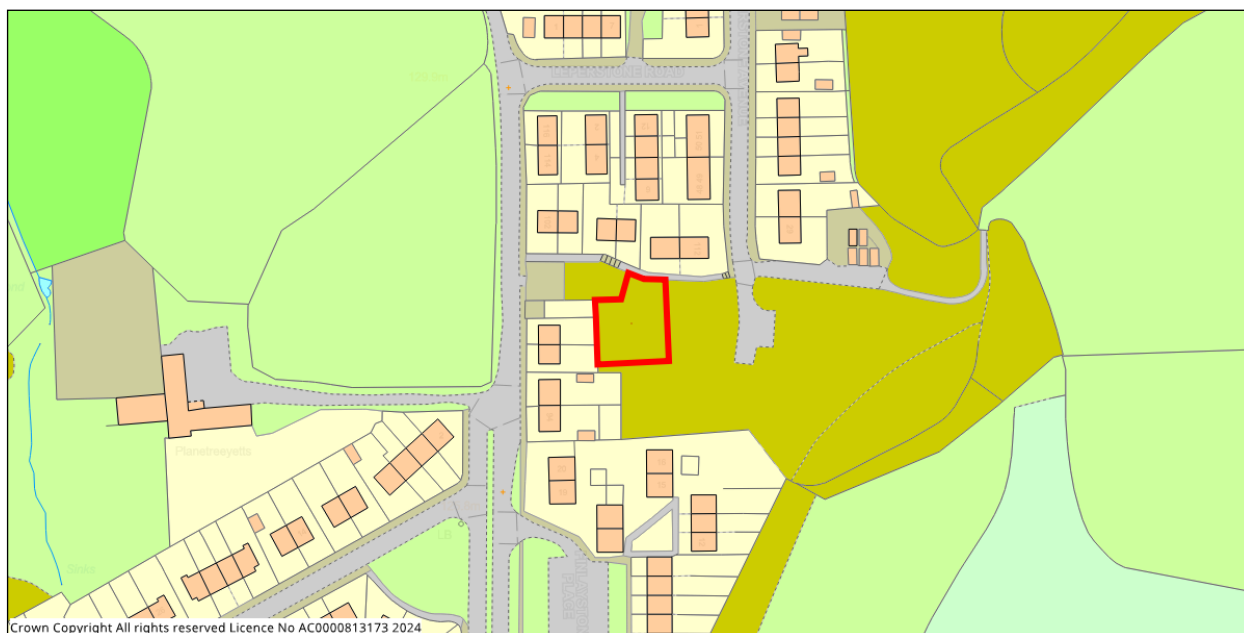
Local Application
Development

Contact
Officer: David Sinclair

Contact No: 01475 712436

Subject: Erection of two and a half storey detached dwellinghouse (amendment to previous planning permission 23/0067/IC to increase footprint and height of house as well as elevational alterations) at

Plot 6, Leperstone Avenue, Kilmacolm.



SUMMARY

- The proposal raises no conflict with National Planning Framework 4.
- The proposal complies with the adopted and proposed Inverclyde Local Development Plans.
- Seven objections have been received from twelve individuals raising concerns over scale, smoke pollution and impacts on daylight, privacy and property values.
- An objection has been received from the Kilmacolm and Quarriers Village Community Council.
- The consultation responses raise no impediments to development.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=S9911HIMJWK00>

SITE DESCRIPTION

The application site relates to a plot of ground allocated for a residential dwellinghouse within a wider site comprising 7 plots at the southern end of Leperstone Avenue, Kilmacolm. The plot is in the north-west corner and is accessed by a private shared driveway along with the adjoining plot which branches off the west side of Leperstone Avenue. The plot extends to approximately 546m² in area. The site is mainly grassed over at present and contains 1.8m high timber fencing around the north and west boundaries.

There are single storey semi-detached dwellinghouses to the north, separated from the site by a public footpath set on ground raised by approximately 3.5m above the application site. There is an undeveloped plot to the east which is raised by up to 0.5m relative to the application site. There are two-storey semi-detached dwellinghouses to the west which are on ground between 0.5 and 1.5m lower than the application site. There is an area of open space containing the storm water detention basin for the development at this location to the south, with single storey semi-detached dwellinghouses beyond.

PREVIOUS PLANNING APPLICATIONS

Planning permission 14/0409/IC was granted on 8th October 2015 for the construction of a new road and creation of development platforms with associated servicing and groundworks for seven individual dwellinghouses at the southern end of Leperstone Avenue. Condition 2 of this planning permission requires future applications for each dwellinghouse to accord with the approved Design Statement. The design statement sets out various design criteria for the subsequent dwellings and their associated plots, intended to allow variations in house design and plot development whilst adhering to common criteria to establish a recognisable development theme between the plots. To date only one of the plots has been fully constructed.

Planning permission 23/0067/IC was subsequently granted on 6th July 2023 for the erection of a detached dwellinghouse covering a footprint of approximately 120m² and associated works on the current application site. To date this planning permission has not been implemented.

PROPOSAL

Planning permission is now sought to increase the footprint of the proposed dwellinghouse to approximately 145.5m² from 120m² and to increase the height of the dwellinghouse as well as elevational alterations.

The proposed dwellinghouse is to be two and a half storeys and incorporates a single storey flat roof rear extension that runs across the full width of the dwellinghouse and extends out from the rear elevation by approximately 2.1m. The proposed roof height is to be increased by approximately 1.2m to 9m, as a result of increasing the roof pitch from 35° to 40°. The footprint of the dwellinghouse is to be increased to the rear and west side of the plot from approximately 13.5m to 13.7m in width and from approximately 9.5m to 10.6m in length at ground floor level and from 8.25m to 8.5m at first floor level. The front and east side elevations are to be retained in the same position within the site as approved under 23/0067/IC.

In terms of elevational alterations, there is to be a main access door in the centre of the principal elevation, floor length windows on each side at ground floor level and three windows at first floor level. A dormer window which extends up in line with the wall head is to be positioned in the centre of the principal elevation. The two windows directly above the entrance door are to contain matching glazing design and proportions and the other two first floor windows are to contain matching glazing design and proportions. On the side elevation facing east there are to be two ground floor windows and one first floor window. On the side elevation facing west, there are to be one window on each floor. These three windows are to be vertically aligned. The rear elevation is to contain two windows, a door and a bi-fold door at ground floor level and three windows at first floor level.

Finishing materials are to be: a slate roof; white coloured smooth render walls, with a masonry base course; grey coloured facing bricks at ground floor level on the principal elevation and front halves of the side elevations; vertical cladding on the rear elevation at ground floor level; dark grey coloured cladding on the sides of the dormer window; grey coloured single ply on the roof of the dormer window and roof of the rear extension; grey coloured aluminium windows; and black coloured rainwater goods. The roof is to contain three rooflights on the rear facing roof slope, a single rooflight on the front facing roof slope on the east side of the dormer window and solar panels on the west side of the dormer window.

NATIONAL PLANNING FRAMEWORK 4 (NPF4)

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

Policy 9

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalized should be taken into account.

Policy 13

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. will be accessible by public transport, ideally supporting the use of existing services;
- iii. integrate transport modes;
- iv. provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii. have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. adequately mitigate any impact on local public access routes.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 15

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;

- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

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 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.

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.

*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 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 17 – Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use.

Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site.

Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported.

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 are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

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.

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 – Advises as follows:

- Parking should be provided in accordance with the National Guidelines. The proposed development has 4 bedrooms. This requires 3 parking spaces. The applicant has shown 3 spaces to the front of the property which is accessed via a private access. Should there be more than 4 bedrooms the Planning Service should advise.
- The minimum dimensions of the driveway should be 3m wide by 6.0m long for one of the parking spaces and 2.5m by 6.0m for the others. There should also be a minimum of 0.9m

path past these parking spaces where the driveway forms part of the pedestrian access to the property. The applicant should demonstrate that this can be achieved.

- Parking spaces to be fully paved and the driveway gradient should not exceed 10%.
- The applicant shall demonstrate that they can achieve a visibility splay of 2.0m x 20.0m x 1.05m. This shall be agreed with Roads Service.
- A Section 56 Agreement is required for the footway crossover to the driveway if it affects the public road network. This should be extended to the full length of the parking bays.
- All surface water run-off is to be contained within the site and be limited to that of greenfield run-off.
- Confirmation of Scottish Water acceptance to the proposed development should be submitted for approval.
- Drainage details must be submitted for approval.

Public Protection Manager – Advises as follows:

- There is a 'discovery strategy' for this site. It is recommended that the chemical quality of any imported topsoil be verified as being suitable for domestic and food growing activity (i.e. meets the British Standard BS3882:2015 Specification for Topsoil).
- PAN33 Advisory: The planning authority determines the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The responsibility for the safe development of the site rests with the developer.
- That the discovery of Japanese Knotweed or any previously unrecorded contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and a Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority. This is advised 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 advised to protect the amenity of the immediate area, 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 advised 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 advised to ensure that acceptable noise and vibration levels are not exceeded.
- Advisory notes are recommended in respect of: site drainage; rats, drains and sewers; Construction (Design & Management) Regulations 2015 (CDM 2015); and the design and construction of buildings in relation to gulls.

Scottish Water – No objection however the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Advises that there is water capacity for the development; Scottish Water is unable to confirm waste-water capacity currently and suggests the applicant completes and submits a Pre-Development Enquiry form to Scottish Water; capacity at water/waste-water treatment works cannot be reserved. Also advises Scottish Water will not accept any surface water connections into the combined sewer system.

Indicates there is live infrastructure in the proximity of the development area in the form of 225mm combined sewer. Advises the applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team for an appraisal of the proposals; any conflict with assets identified will be subject to restrictions on proximity of construction; and written permission must be obtained before any works are started within the area of the apparatus.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on 1st March 2024 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 and seven objections were received from twelve individuals. The grounds of objection are summarised as follows:

- Building height does not reflect existing surroundings.
- Size of building will dominate all the surrounding buildings.
- Impacts of roof height increase on natural light to neighbouring properties.
- Loss of direct sunlight to neighbouring gardens.
- Contravention of policies which stipulate new builds within these plots will be no higher than 2 storeys and windows to be at least 18m apart from existing dwellings.
- Proximity of windows to neighbouring windows.
- Loss of privacy to neighbouring rear garden areas.
- Smoke pollution from the wood stove.
- Height and position of the flue.
- Devaluation of nearby houses.

The Kilmacolm Community Council objects to this proposal where it appears to conflict with Planning Application Advice Note No 2 as follows:

- The proposed building height, roof design, use of materials and colours should reflect those in the locality. The plan is for a de-facto three storey structure. The surrounding homes are mostly single storey bungalows. There are some two storey houses further from the site. The building height, of over 9 metres, and roof design do not reflect those in the locality. It will be important to remember that the surrounding houses are constructed of brick covered with a grey roughcast when considering use of materials and colour for the new structure.
- Windows of habitable rooms above ground level should comply with the window intervisibility guidance. Since windows on the plan are directly opposite windows on adjacent properties, the minimum window to window distance will be 18 metres. It is not clear from the plans that this is so and asks planning officers to confirm this constraint is met.
- While in Scotland there is no statutory "right to light", suggests it would perhaps be unreasonable for the planning committee to approve the building of a structure which would constitute a form of nuisance to neighbours and ask planning officers to assess the impact of the structure on adjacent properties.

The Kilmacolm Civic Trust has no objection to this proposal.

ASSESSMENT

The material considerations in determination of the application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP); the adopted and 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 previous planning permissions.

Location of Development and Policy Context

The Spatial Development Strategy of both the adopted and proposed Local Development Plans directs residential development to existing built-up areas in the first instance. In this regard the site is located within the existing settlement boundary of Kilmacolm in both Local Development Plans and within an established residential area under Policy 20 of the proposed Local Development Plan. The application site is identified for residential development in both the adopted and proposed LDPs and planning permission was recently granted in July 2023 for the erection of a single dwellinghouse within the site. As such the site is a sustainable location and therefore the proposal accords in general terms with the Spatial Development Strategy and is consistent with the terms of Policies 1, 2, 9 and 15 of NPF4.

Policy 20 of the proposed LDP requires development within residential areas to be assessed with regard to their impact on the amenity, character and appearance of the area. The surrounding area is residential in character and contains a variety of house types and designs. The proposal reflects this general context although the position and design of the house will be considered in greater detail below against other relevant development plan policies and guidance. Policy 18 of the proposed LDP supports new housing development on sites identified in Schedule 3 and on other appropriate sites within residential areas. The application site is part of a Housing Development Opportunity Site identified in Schedule 3 (R60) with an indicative capacity of 7 units. As such and being in a residential area the proposed dwellinghouse can be considered to result in local living to accord with the terms of Policy 16 of NPF4.

NPF4, the Spatial Development Strategy of both the adopted and proposed Local Development Plans as well as Policy 20 of the proposed Local Development Plan give general support for this proposal. However, the proposal also needs to be considered in greater detail with reference to the other relevant development plan policies as follows.

Policy 14 of NPF4 and Policy 1 of both LDPs refer to qualities of successful places. The qualities of being Pleasant, Connected, Distinctive and Sustainable in Policy 14 are relevant to this proposal. The relevant qualities in Policy 1 of both LDPs are being 'Distinctive', 'Resource Efficient', 'Easy to Move Around', 'Safe and Pleasant' and 'Welcoming'. In the adopted LDP, the relevant factor to be considered 'Distinctive' is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors are whether the proposal respects landscape setting and character, and urban form; and reflects local vernacular/architecture and materials. To be considered 'Resource Efficient', the proposal should make use of existing buildings and previously developed land and incorporate low and zero carbon energy-generating technology and to be considered 'Easy to Move Around', the proposal should be well connected and recognise the needs of pedestrians and cyclists. To be considered 'Safe and Pleasant', the proposal should avoid conflict with adjacent uses and minimise the impact of traffic and parking on the street scene and to be considered 'Welcoming', the proposal should integrate new development into the existing community and make buildings legible and easy to access. Policy 1 of both LDPs also require consideration to be given to relevant supplementary guidance, of which the adopted and draft PAANs 2 and 3 and the supplementary guidance on Energy are relevant to this proposal.

In addition, as the application includes the provision of a new building, Policy 6 in both LDPs is applicable. Policy 9 of the adopted LDP and Policy 10 of the proposed LDP require to be considered in terms of drainage impact. As the proposal will generate traffic and parking, and future sustainability requirements in respect of car use are required to be considered, Policies 10 and 11 of the adopted Plan and Policies 11 and 12 of the proposed Plan are also relevant. Policy 16 of the adopted LDP also requires consideration in respect of possible contamination.

The principle of a dwellinghouse on this site has been established under planning permissions 14/0409/IC and 23/0067/IC. Both of these planning permissions are material considerations in determining the current application. A key consideration in the determination of the current application is the extent of the changes compared with planning permission 23/0067/IC. The current application increases the height and footprint of the dwellinghouse and changes to the external house design as well as the external materials and these changes shall be considered

below. The dwellinghouse now proposed however is in a similar position within the plot, with the front and east side elevations remaining in the same location.

Design and Layout

In assessing the design changes proposed, both PAAN 3s consider the proposal as a small-scale single plot infill development and advises that small-scale infill developments 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.

In considering the detail of the proposed development with respect to the applicable criteria in both PAAN 2s, the plot size and distance of the building to garden boundaries all reflect the locality; the proposal does not alter the established street front building line from the existing permission; and the level of car parking provision is acceptable. The objections raised regarding the increase in building size and window intervisibility are noted. In this respect, the size of the building footprint increases the proportion of built ground from the previously consented dwellinghouse which covered around 22% to just under 27%, which is comparable to neighbouring properties, which cover between 18% and 29% of their respective plots. The proposal is not considered to result in overdevelopment of the site and provides an acceptable area of private/rear garden ground.

In considering the increase in building height proposed, Condition 1 of planning permission 14/0409/IC sets out that development is to accord in general terms with the requirements of the approved design brief. The design brief identifies that in terms of massing, houses shall be a maximum of 2 storeys in height, that attic trusses may be permitted for loft use or conversion and dormer windows are permitted subject to full planning approval. Roof pitches should be between 20 and 40 degrees which the proposed roof meets. The proposed design includes a second-floor level which would be contained within the attic trusses. The design brief permits the provision of a space within the attic trusses for loft use or conversion and as such, the proposal is not considered to conflict with this element of the design brief.



View facing north across the application site taken from the south-east boundary at the access point.

Although the proposal has a front dormer window and includes rooflights it generally has the appearance of a two storey dwellinghouse. The proposal is considered compatible with surrounding properties and the requirements of the approved design brief. The external materials and finishes for the building are considered acceptable with respect to the design brief and can be considered appropriate. It stands that the proposal reflects local architecture and urban form, in accordance with the quality of being 'Distinctive' in Policy 1 of both LDPs.

Regarding window intervisibility, the ground floor level of the dwellinghouse is to be positioned approximately 3.6 metres lower than the ground floor level of the neighbouring houses to the north. Although the kitchen window is to be positioned approximately 15.7m from the nearest window on the house to the rear at 110 Finlaystone Road, the existing rear boundary fence will obscure neighbouring windows from view of the windows on the rear elevation at ground floor level. The dressing area window and the window of Bedroom 2 on the rear elevation at first floor level are to be sited approximately 17.6m and 17.9m from the nearest window on the house to the rear at 110 Finlaystone Road respectively. These are almost directly facing and slightly closer than the 18m minimum window intervisibility distance recommended in the window intervisibility guidance. All other windows on all other properties exceed the 18m minimum distance for directly facing windows. It is noted that the boundary fence is to be positioned on ground approximately 0.3m higher than the first-floor level of the dwellinghouse and is approximately 0.4m lower than the floor level of the adjoining house. Following discussions with the applicant, they have submitted revised drawings showing that a rear boundary fence 2m in height is to be located along the rear of the site. This increase in fence height will fully obscure windows from both properties, addressing any conflicts in terms of intervisibility. This matter can be secured by condition on the grant of any planning permission. Providing this is met the proposal is considered to accord with the guidance in both PAAN 3s.

Both PAAN 2s state that windows on side elevations will only be permitted if the distance to the nearest boundary exceeds 9 metres, or if there is no direct view of neighbouring rear/private gardens or if it is a bathroom window fitted with obscure glazing. The proposal includes side facing windows on both side elevations of the dwellinghouse within 9 metres of the site boundary. On the west elevation these comprise a lounge window at ground floor level, a bathroom window at first floor window and a walk-in wardrobe window at second floor level. On the east elevation these comprise bathroom and utility room windows at ground floor level and a further bathroom window at first floor level. The utility room is set on lower ground than the adjoining plot and any views will be screened by the boundary fence. All bathroom windows and the walk-in wardrobe window on the west side elevation at second floor level are to contain opaque glazing which is considered acceptable to prevent overlooking. The provision and retention of obscure glazing on these windows can be addressed by a planning condition.

In respect of the lounge window, the applicant has submitted drawings indicating that any overlooking from this window can be mitigated by a 2.2m high privacy screen along the side boundary. It is noted on site that the rear boundary along 100 Finlaystone Road descends from north to south and that a 2.2m high privacy screen would obscure the lowest areas of the garden towards the south to a height of 1.8m where within 11.5m of the window, exceeding the 9m distance recommended in both PAAN 2s. The overlooked distance would increase to the north as the fence height follows the topography of the boundary, to the point where the entire rear garden area would be fully obscured from direct view of the window. The provision of the privacy screen to this height can be considered to provide sufficient privacy for the neighbouring garden from the lounge window without resulting in a notable increase in overlooking and would be of a height which is not considered to significantly impact on daylight to the adjoining garden area. The provision and retention of screening can be addressed by a planning condition.

Based on the above assessment, the proposal can be supported under both the adopted and draft PAAN 2s. The proposed design can be considered acceptable for a self-build plot and respects the setting and character of the area. The proposal meets the quality of being 'Distinctive' in Policy 14 and Policy 1 of both LDPs.

In considering impacts on neighbouring amenity in terms of daylight and overshadowing, the objections received over impacts on neighbouring properties are noted. The effects on daylight to neighbouring windows has been assessed against the BRE publication "Site layout planning for daylight and sunlight: a guide to good practice", measuring the existing and proposed vertical sky component (VSC). The VSC has been measured against the nearest windows to the development, which are the front window at 110 Finlaystone Road, which faces towards the development at approximately 17.6m to the north and the rear ground floor window at 100 Finlaystone Road, which faces towards the west side elevation at approximately 18.5m to the west. If the VSC is greater than 27% then enough skylight will reach the windows of the existing

building. If the VSC, with the new development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice a reduction in the amount of daylight. With the site currently being cleared, the window at 110 Finlaystone Road has an existing VSC of 40% (no impediment to daylight) and the windows at 100 Finlaystone Road, have an existing VSC of 37.5% VSC for the northern window and 38% VSC for the southern window. With the proposal in place, the VSC for the window at 110 Finlaystone Road will be 39% VSC and for the ground floor windows at 100 Finlaystone Road will be 34.5% VSC for the northern window and 35.5% VSC for the southern window. All of these are above the 27% VSC recommended. It stands that the proposal will not result in an unacceptable loss of light to any rooms in neighbouring houses.



View facing west across the application site taken from near the south-east boundary.

In considering impacts on the loss of direct sunlight to neighbouring gardens, the proposal has been assessed against the publication "Site Layout Planning for daylight and sunlight: A guide to good practice", measuring the sun path over each month of the year for the adjoining rear gardens at 98 and 100 Finlaystone Road to the west of the site. The guidance recommends that the centre of the garden should receive at least two hours of sunlight during March. For the rear garden at 100 Finlaystone Road, the sun path indicator identified that the proposal will have no impact on direct sunlight for 5 months of the year. On the 7 months where there is any impact the building will obscure sunlight prior to 07:00 in March and September, prior to 07:30 in April and August and prior to 08:00 between May and July. After 08:00 the house will not obstruct direct sunlight. The impacts on 98 Finlaystone Road will be even less noticeable, with the house having no impact on direct sunlight for 9 months of the year, with the only obstruction occurring prior to 06:00 between May and July. During March the gardens will receive at least four and six hours of sunlight respectively before 12:00, exceeding the two hours required. It stands that the proposal does not result in unacceptable levels of overshadowing to neighbouring garden areas.

Drainage and Contamination

In considering the impacts of the proposal on drainage and surface water run-off, 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 Urban 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 is not required under these Policies. Issues in relation to flood risk and drainage were assessed at the application stage

for the original application in respect of the provision of the access road and infrastructure for each plot. The applicant is required to make the appropriate connections which will be addressed under a building warrant submission. Nevertheless, conditions can be added in respect of the finalised drainage details and surface water. Compliance with these requirements ensures that the proposal does not result in an increased risk of flooding to neighbouring properties or the road network. The provision of appropriate drainage and surface water management allows this aspect of the development to accord with the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs through avoiding conflict with adjacent uses in terms of flooding.

It should be noted that connection to Scottish Water's infrastructure can only be given by Scottish Water and this has to be applied for separately. Regarding the points raised in the consultation response from Scottish Water, these matters are to be resolved between the applicant and Scottish Water under other legislation. Advisory notes on these matters can be added as part of the granting of any planning permission. It stands that the proposal accords with Policy 9 of the adopted LDP and Policy 10 of the proposed LDP.

In considering Policy 16 of the adopted LDP and Policy 17 of the proposed LDP with regard to potential contamination issues, the consultation response from the Council's Public Protection Manager advises that a discovery strategy is already in place for the site, and this contains recommendations for imported top soil. As such this matter can be addressed through an advisory note. The advice given in respect of the discovery of Japanese Knotweed or any other unrecorded contamination and consider this can be addressed by a planning condition. The proposal does not raise any concerns in terms of contamination and can be supported under Policy 16 of the adopted LDP and Policy 17 of the proposed LDP.

Low Carbon Infrastructure

In considering the requirements under the quality of being Sustainable in Policy 14 of NPF4, 'Resource Efficient' in Policy 1 of both LDPs and Policy 6 of both LDPs, the development needs to incorporate low and zero carbon energy-generating technology. Policy 6 of both LDPs requires all new buildings to be designed to ensure the carbon dioxide emissions reduction standard set by the Scottish Government is met through the installation and operation of low and zero carbon energy-generating technologies. In this respect the drawings submitted indicate that solar panels are to be installed on the principal elevation of the dwellinghouse. It remains to be confirmed whether these will provide sufficient levels of low and zero carbon energy-generating technology to meet the requirements of Policy 6 of both LDPs. This matter can be addressed by a planning condition.

Criterion b) of 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 requirements in the Supplementary Guidance on Energy. The guidance note identifies that for residential houses, one trickle charging point should be provided per dwelling. This matter can be addressed by a planning condition to ensure the provision of electric vehicle charging is provided within the site in accordance with the guidance note on Energy. Based on the above, the proposal can be considered to meet the quality of being Sustainable in Policy 14 of NPF4, 'Resource Efficient' in Policy 1 of both LDPs and complies with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP in respect of criterion b).

Site Accessibility

In considering the accessibility requirements in criterion a) of Policy 10 of the adopted LDP and Policy 11 of the proposed LDP, the proposed development affords opportunities for walking and cycling in the immediate vicinity and is accessible from the wider core path network, which is located on High Street around 750m from the site. In terms of accessing local facilities and public transport, the site is located approximately 825m from The Cross, Kilmacolm Local Centre and approximately 700m to 750m from the nearest bus stops on Port Glasgow Road, which can be considered within a 20-minute walking distance from the site. The development will have similar levels of connectivity to local amenities as the existing dwellings in the area and therefore can be considered to accord with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP. The proposed can be considered to meet the qualities of being Connected in Policy 14 of NPF4 and

'Easy to Move Around' in Policy 1 of both LDPs, as well as meeting the requirements in Policy 13 of NPF4 in terms of being accessible to public transport and providing charging points for low and zero emission vehicles within the site.

In assessing the impacts on traffic and parking on the street scene the consultation response from the Head of Service – Roads and Transportation raises no objections to the proposal in terms of impacts on traffic or parking on Leperstone Avenue. In respect of the points raised, the applicant has submitted updated drawings in respect of parking space sizes, gradients, surfacing materials and visibility splays which are acceptable to the Head of Service – Roads and Transportation. The provision of the parking spaces within the site can be addressed by a planning condition. The requirement for other roads consents can be addressed by an advisory note should planning permission be granted. It stands that the proposal can be implemented without negatively impacting on the transport network, in accordance with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. The proposal can be considered to minimise the impact of traffic and parking on the street scene, meeting the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs.

Consultation Responses

In considering matters raised by consultees not yet addressed, the conditions requested in the consultation response from the Public Protection Manager regarding waste storage, external lighting and sound insulation are matters more appropriate as advisory notes.

Representations

With regard to the grounds of objection that have not already been considered in the assessment above, the following comments are made. Impacts of development on neighbouring property values is not a material planning consideration and can have no bearing on the outcome of this application. Matters relating to smoke nuisance can be controlled through legislation under the remit of the Public Protection Manager and in this regard no concerns over the siting of the flue have been raised. The proposal therefore is not considered to raise any concerns over conflict with adjacent uses in terms of odours.

Conclusion

The proposed house on this site would contribute to the housing land supply and would accord with national policies for delivering housing.

The site is identified in both LDPs as being within a residential area within the Kilmacolm settlement boundary. The site is within walking distance of the town centre and public transport which would contribute to the sustainability of the development and would be appropriate for adhering to the 20-minute neighbourhood principle in NPF4, Policy 15.

The provision dwellinghouse is not considered to result in overdevelopment of the site and can be considered to have acceptable regard to the character, appearance and amenity of the area, in accordance with Policy 20 of the proposed LDP. The proposal can be implemented without creating conflict with neighbouring uses, in accordance with the quality of being 'Safe and Pleasant', is compatible with the surrounding residential area and can be integrated into the surrounding community, meeting the quality of being 'Welcoming' in Policy 1 of both LDPs. As the proposal meets all relevant qualities of successful places, it stands to accord with Policy 14 of NPF4 and Policy 1 of both LDPs.

Overall, the proposed design is of a density similar to the adjacent residential dwellings and the proposal is considered to be sustainable development.

In conclusion, the proposal accords with Policies 1, 2, 9, 13, 14, 15 and 16 of NPF4, Policies 1, 6, 9, 10, 11 and 16 of the adopted LDP and Policies 1, 6, 10, 11, 12, 18 and 20 of the proposed LDP. 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. The proposal is in accordance with the relevant Plan Policies and there are no material considerations that outweigh the policies and guidance.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. For the avoidance of doubt, all facing materials to be used in the construction of the dwellinghouse shall accord with the terms of Design Statement V7 of planning permission 14/0409/IC. Samples of all facing materials shall be submitted to and approved in writing by the Planning Authority prior to their use. The approval materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
3. For the avoidance of doubt, all hard and soft landscaping within the site boundary shall accord with the terms of Design Statement V7 of planning permission 14/0409/IC. Samples of all materials shall be submitted to and approved in writing by the Planning Authority prior to their use. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.
4. The dwellinghouse hereby approved shall be designed to ensure that at least 25% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon energy generating technologies. Details showing how this shall be achieved shall be submitted to and approved in writing by the Planning Authority prior to the construction of the dwellinghouse.
5. The dwellinghouse hereby approved shall be designed to include at least one trickle charging point made accessible for the charging of electric vehicles. Details of the charging point shall be submitted to and approved in writing by the Planning Authority prior to the formation of the driveway and the charging point shall be installed prior to the first occupation of the dwellinghouse.
6. The dwellinghouse hereby approved shall not be occupied until the approved driveway shown on drawing number 191_IC101_SP02, Rev. B has been fully constructed within the site.
7. For the avoidance of doubt, the driveway shall have a gradient of 10% or less and shall be fully paved. A sample of the paving stones which are to be used for surfacing the driveway shall be submitted to and approved in writing by the Planning Authority prior to the formation of the driveway.
8. Prior to the commencement of development, updated drainage details in respect of the finalised design shall be submitted to and approved in writing by the Planning Authority. The approved drainage measures shall be fully implemented on site prior to the occupation of the dwellinghouse.
9. For the avoidance of doubt, all surface water flows are to be contained and managed within the site and any run-off from the site shall be limited to not exceed greenfield run-off rates.
10. Full details of the boundary fence design shall be submitted to and approved in writing prior to being installed on site. The approved boundary fencing shall be erected on site to the heights specified in drawing number 191_IC101_SP02, Rev. B prior to the occupation of the dwellinghouse. The approved fencing shall be retained at all times thereafter, unless otherwise agreed in writing by the Planning Authority.

11. For the avoidance of doubt, opaque glazing shall be fitted to the ground floor shower room window, the first floor ensuite windows and the second-floor walk-in wardrobe window as shown on drawing number 191_IC101_PP05, Rev. A prior to the occupation of the dwellinghouse. Development shall not commence until details of the opaque glazing have been submitted to an approved in writing by the Planning Authority. These windows shall be retained with opaque glazing at all times thereafter, unless otherwise agreed in writing by the Planning Authority.
12. The discovery of Japanese Knotweed or any previously unrecorded contamination that becomes evident during site works shall be brought to the attention of the Planning Authority and a Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
13. For the avoidance of doubt, all imported topsoil shall meet the British Standard BS3882:2015 Specification for Topsoil. Verification of the quality of topsoil shall be submitted to and approved in writing by the Planning Authority prior to being imported on site.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure the dwellinghouse reflects the character of the surrounding area in the interests of visual amenity.
3. To ensure continuity of development in the interests of visual amenity.
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. In the interests of road safety and to ensure a suitable finish is provided which ensures continuity of development in the interests of visual amenity.
8. To ensure that suitable drainage is provided for the safe removal of surface and waste water from the site.
9. To ensure the development does not increase the risk of flooding to adjoining sites.
10. In the interests of privacy and to prevent overlooking of neighbouring properties.
11. In the interests of privacy and to prevent overlooking of neighbouring properties.
12. To ensure that all contamination and Japanese Knotweed concerns are managed appropriately.
13. To ensure that no contaminated materials are imported to the site.

Stuart W Jamieson
Director
Environment & Regeneration

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