

Report To:	The Planning Board	Date:	6 November 2024
Report By:	Director Environment and Regeneration	Report No:	24/0193/IC Local Application Development
Contact Officer:	David Sinclair	Contact No:	01475 712436
Subject:	Erection of detached house and detached garage (renewal of previous planning permission 21/0132/IC) at Ardvaar, Wemyss Bay Road, Wemyss Bay.		



Crown Copyright All rights reserved Licence No AC0000813173 2024

SUMMARY

- The proposal is acceptable when assessed against the Development Plan, which comprises: National Planning Framework 4; the adopted 2019 Inverclyde Local Development Plan; and the proposed 2021 Inverclyde Local Development Plan.
- THIRTEEN objections have been received raising concerns over: impacts on streetscape, impacts on nearby listed buildings, noise, privacy, reduced light, impacts on views and conflicts with title deeds
- 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=SJCEX8IMFJX00>

SITE DESCRIPTION

The application site comprises garden ground which covers the south-eastern portion of the property known as "Ardvaar", located on the north-east 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 house. The dwellinghouse is finished with a slated roof; white coloured uPVC windows; black coloured fascia and rainwater goods; and white coloured render on the walls, with decorative buff coloured blocks of varying sizes used under the front window, for the chimney and entrance on the east side elevation. Similar materials are used on the detached 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 1.2m 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 increases in gradient towards the rear of the site. The site adjoins the front gardens of the neighbouring Category 'B' listed building known as 'Dunloe' house to the east, the Firth of Clyde Estuary to the south, and detached dwellinghouses to the north and west.

PLANNING APPLICATION HISTORY

Before describing the current proposal and by way of background there has been a previous planning permission which is relevant to the current application.

Planning permission 21/0132/IC was granted by the Planning Board on 3rd November 2021 for the proposed erection of a detached house on the east side of the existing house. The house was located in the same position as the current application and has matching designs, materials and finishes.

Planning permission 21/0132/IC was granted subject to the standard condition that development had to be started within a 3-year period. At the time the current application was submitted no development has taken place and the applicant seeks to renew the planning permission.

PROPOSAL

Planning permission is sought to sub-divide the site and erect a single storey detached dwellinghouse with single storey detached garage. 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 1500sqm. The proposed dwellinghouse is to be set back from the front boundary by approximately 22.5m. The proposed dwellinghouse is to cover a footprint of approximately 150sqm with the floor level matching the ground floor level of the existing two storey dwellinghouse. An offset 'T' shaped pitched roof with 30° roof angles is proposed, resulting in a building height of approximately 5.9m. The dwellinghouse is proposed to be finished using: dark grey coloured concrete tiles; white coloured render on the walls with a dark grey coloured base course and some feature cladding panels at roof level on the sides and between two rear windows; and grey coloured uPVC doors and windows.

The dwellinghouse is to be set back from the south-eastern side boundary by approximately 4m. A detached garage is proposed along the south-eastern boundary, set approximately 5.8m behind the rear building line of the proposed house and between 0.6m and 0.8m from the boundary. The garage is to be approximately 6m long by 6m wide and has a pitched roof with a ridge height of approximately 3.9m. The garage is also to be finished with: dark grey coloured concrete tiles; white coloured render on the walls; and a grey coloured garage door.

Access is to be taken from the existing access point on Wemyss Bay Road, with parking 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.

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 7

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

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.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

Policy 10

a) Development proposals in developed coastal areas will only be supported where the proposal:

- i. does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
- ii. is anticipated to be supportable in the long-term, taking into account projected climate change.

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.

g) Householder development proposals will be supported where they:

- do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Policy 22

c) Development proposals will:

- not increase the risk of surface water flooding to others, or itself be at risk.
- manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
- seek to minimise the area of impermeable surface.

d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.

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:

- It can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- 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 – Advises as follows:

- Parking should be provided in accordance with the National Guidelines. The proposed development consists of a 2-bedroom dwelling that requires 2 parking spaces.
- Each space on the driveway shall be a minimum of 3.0m x 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 10m 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.

Public Protection Manager – Advises as follows:

- Online UKHSA/BGS maps indicate radon hazard. Detailed radon maps supplied by BGS to Inverclyde Council indicates the property within an area of less than 1% maximum radon potential. Recommends a Radon Risk Report be obtained from Radon UK.
- Property is not identified as potentially contaminated, but soil quality can be affected by historical domestic garden activities, demolition of outbuildings, improper disposal/incineration of wastes, ash and clinker from fires used as soil improver, lead paint, materials containing asbestos etc. In the event significant made ground or contamination is suspected it is recommended the developer contact the Contaminated Land Officer for guidance, in most scenarios a material management plan can be agreed with contingency for disposal of wastes.
- Conditions recommended in respect of the discovery of contamination and waste and recyclable storage for the development.
- Advisory notes are recommended in respect of: PAN33 Advisory; site drainage; Construction (Design & Management) Regulations 2015 (CDM 2015); surface water; the design and construction of Buildings in relation to gulls; external lighting; and sound insulation.

Scottish Water – Advise of no objection, however the applicant should be aware this does not confirm the proposed development can currently be serviced. Advises there is currently sufficient capacity in the Greenock Water Treatment Works to service the development as well as there being currently sufficient capacity for a foul only connection in the Inverclyde Waste Water Treatment works to service the development. Also advises that Scottish Water will not accept any surface water connections into the combined sewer system.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on 13th September 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 thirteen objections were received. The grounds of objection can be summarised as follows:

Amenity Impacts

- Impacts on neighbouring privacy, future noise, reduced light, particularly in winter and infringement on the right to quiet enjoyment.

Design & Visual Impacts

- The building is out of character with the listed buildings that are in close proximity to its proposed site, including the B listed Dunloe House and the street frontage.

- Impacts on classic view of Wemyss Bay from the water – the Grade A listed Wemyss Bay station and Victorian mansions. Where there has been development it has respected the footprint of the previous houses.
- Visual impacts on the existing crescent formed by the existing houses.
- Visual impacts on the Wemyss Bay coastline.
- Council are considering this road as a Conservation area. This development is not in keeping with a prospective conservation area.

Roads Impacts

- The road surface is failing and is unsuitable for the heavy plant that such construction would entail.
- The road is open to flooding and this construction would add to the water management needs of an already overflowing system.
- Vehicle access to Wemyss Bay Road is already very busy. Additional dwelling will add to this load.

Other objections

- Neighbouring property title deeds prevent the building of any new structures in an arc across the front of Wemyss Bay Road.
- Provokes a legal dispute between neighbours as the development clearly breaks title deeds showing a development line for the area to preserve the waterfront.
- The proposed planning application is in breach of title deeds, prohibiting building in front of the building line.
- Wemyss Bay is a holiday destination for many, and by entertaining this planning proposal it will pave the way for others to attempt to do similar.
- The beachfront of Wemyss Bay has remained the same, necessarily so, since the deeds were written.
- The proposal is only of benefit to the current owners and has no regard to neighbours who will have to deal with repercussions and damages to the value and quiet enjoyment of their properties.
- The proposal is located within a “no build” area.

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”; Historic Environment Scotland’s “Managing Change in the Historic Environment” guidance note on ‘Setting’; the previous planning permission 21/0132/IC; and the consultation responses.

Planning permission 21/0132/IC expires on 3rd November 2024 and there are no changes proposed from the previously approved development. The proposal was previously assessed against both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan and accorded with the relevant Policies in both LDPs, namely Policies 1, 6, 8, 9, 10, 11 and 29 of the adopted LDP and Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29 of the proposed LDP. The proposal was also accorded with the 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”. As there are no changes to the proposal it stands that the proposal is in accordance with the aforementioned policies and guidance notes.

NPF4 was adopted after planning permission 21/01032/IC was granted and therefore further assessment is required in respect of the relevant Policies in NPF4, along with any other material considerations.

NPF4 supports sustainable, liveable and productive places. Sustainable development on brownfield land, where compact urban growth and the sensitive growth and diversification of sustainable areas is encouraged. Development should be aligned with the principles of local living to make productive use of existing buildings, places, infrastructure and services. Development in sustainable and accessible locations should be well-designed, energy efficient and good quality to contribute to the overall creation of successful and sustainable places.

Location of Development and Policy Context

The site is located in an established residential area where Policies 1, 2, 14 and 22 of NPF4 apply. The site is within a developed coastal area and requires assessment against Policy 10 of NPF4. As the proposal is for a new dwellinghouse on land which has been previously developed, Policies 9, 13, 15 and 16 of NPF4 are relevant. The site is located adjacent to a Category 'B' listed building and as the proposal will be visible in context with the listed building Policy 7 of NPF4 also requires consideration in terms of impacts on the setting of the listed building.

In terms of the relevant policies in NPF4, Policy 1 requires consideration of the global climate and nature crises to be given to all development. Policy 2 requires proposals to be designed to minimise lifecycle greenhouse gas emissions and to be able to adapt to current and future risks from climate change. Policy 9 encourages the reuse of brownfield land to help reduce the need for greenfield development, taking into consideration the biodiversity value of any naturalisation which has occurred on site.

Policy 10 supports development in coastal areas which do not result in the need for further coastal protection measures or increase coastal flooding risk to people and can be supported long-term, taking into account projected climate change. Policy 13 encourages development in locations which support sustainable travel. Policy 15 supports local living, considering the existing settlement pattern and the level and quality of interconnectivity of the development with the surrounding area and local facilities. Policy 16 supports proposals for new homes on land allocated for housing in LDPs.



View of site looking north from Wemyss Bay Road. Ardvaar is the house on the left and the Category 'B' listed Dunloe is on the right.

Policy 14 of NPF4 refers to qualities of successful places, of which the qualities of being Pleasant, Connected, Distinctive and Sustainable are relevant to this proposal. The quality of being Pleasant requires development to support attractive built and natural spaces. The quality

of being Connected supports development which makes moving around easy and reduces car dependency. The quality of being Distinctive supports local architectural styles and natural landscapes to be interpreted, literally or creatively into designs which reinforce identity. The quality of being Sustainable supports development which makes efficient use of resources, allows people to live in the area, ensures climate resilience, and integrates nature positive, biodiversity solutions.

Design and Layout

The proposed dwellinghouse is to be located on an area of hardstanding and makes use of brownfield land which has not undergone any naturalisation or natural regeneration. The site therefore does not contain any biodiversity value and can be supported under criterion (a) of Policy 9 of NPF4.

The proposed dwellinghouse aligns with the existing house at Ardvaar and neighbouring houses to the west and the scale and height of the proposed dwelling is similar to nearby dwellinghouses, in particular Brightside which is to the west of Ardvaar. The design, size and position of the dwellinghouse can be considered to reflect the urban form of the area. In terms of loss of neighbouring privacy, the design of the dwellinghouse does not contain any windows on the west side elevation and contains a single en-suite bathroom window on the east side elevation at ground floor level. This window is to face towards the front garden area of the neighbouring property and will not be afforded an overlooked view of any private/rear gardens. The proposal can be considered to be designed in a manner which does not raise any overlooking concerns, as required under Policy 16 of NPF4.

In considering the impacts on the listed building the objections received raise concerns over visual impacts on the listed building and on the character of the surrounding area. Policy 7(c) of NPF4 requires proposals affecting the setting of a listed building to preserve its character, and special architectural or historic interest. In considering the impact on the setting of the listed building, guidance in this regard is given in Historic Environment Scotland's "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 proposal is not sited within the grounds of the listed building and is clearly contained within a separate curtilage. The proposal will be visible in context with the listed building from Wemyss Bay Road in front of the application site to the south-east, however the scale and position of the building ensures that it will not create a direct visual obstruction of the listed building from the front of the listed building's own curtilage. The two curtilages are currently divided by an established hedgerow which runs the full length of the boundary and is between 3 and 5 metres in height, which provides a degree of screening between the development and the listed building. The boundary treatments frame the grounds of the listed building and focus views from the listed building down the length of the garden towards the Firth of Clyde and not towards the application site. As a result, the proposal is not considered to interrupt key views to or from the listed building.

The listed building contains a front garden which is around 100 metres in length and as a result it is substantially recessed from Wemyss Bay Road relative to the existing dwellinghouse at Ardvaar and other properties to the west. The proposed dwellinghouse is to be around 73 metres from the listed building at its closest point, with the rear garage being closer at around 59 metres. To the rear of the application site lies a bank of mature trees, which sit forward of the front building line of the listed building and provide a backdrop for the proposed dwellinghouse. The visual impact of the proposal on the listed building is considered to be limited due to the surrounding context of established planting and the single storey design and position of the proposed house ensures that it will not dominate the street frontage or detract from the listed building in a way that would affect the ability to understand and appreciate the historic asset. Overall, the proposal can be considered to preserve the setting of the listed building and raises

no conflict with the guidance note on 'Setting'. It stands that the proposal can be supported under Policy 7 of NPF4.

Turning to the objections raised over impacts on light, the impact of the building has been assessed against the BRE publication "Site layout planning for daylight and sunlight: a guide to good practice". The guidance advises that loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases, any loss of light will be small. The proposed dwellinghouse is to be located just over 35m from the rear boundary, will be positioned on lower ground than neighbouring dwellings and will not be more than 6m in height. It stands that the proposed buildings are not of a height or proximity which would result in any detrimental impact on neighbouring dwellings in terms of daylight or overshadowing. The size and physical impact of the proposal can be considered acceptable, in accordance with Policy 16 of NPF4. In terms of materials, these will not result in an unexpected or uncharacteristic feature on the street frontage and are considered acceptable.



View across site looking north, with Ardvaar on left and Dunloe visible in the background.

The proposal is for a single dwellinghouse within a residential area and will likely result in similar levels of noise and activity as neighbouring properties, therefore it is not considered to raise concerns in terms of noise and disturbance. Issues relating to construction noise are more appropriately addressed under legislation controlled by the Public Protection Manager and are not a material planning consideration. The impacts of the proposal on neighbouring views are not a material planning consideration.

Based on the above assessment, the proposal can be considered to meet the qualities of being Pleasant and Distinctive in Policy 14 of NPF4.

Flooding, Drainage and Contamination

In considering potential flooding part of the site is shown on SEPA's indicative flood maps as at risk of surface water flooding. The flood maps indicate that no part of the site is at risk from coastal flooding. In assessing concerns over surface water issues, the Head of Service – Roads and Transportation raises no objections in respect of the proposal. Matters raised in the consultation response relating to surface water drainage and ensuring the development does not increase the risk of surface water flooding to neighbouring sites can be addressed by a condition should planning permission be granted as required under Policy 22 of NPF4. In

relation to this Policy, the proposal is to be sited on an existing area of hardstanding, minimising any increase in the area of impermeable surfacing required.

The site does not result in the need for further coastal protection measures, does not increase risk to persons from coastal flooding and when taking into consideration projected climate change, raises no long-term concerns. It stands that the proposal can be supported under Policy 10 of NPF4. The proposal can also be considered to be sited and designed in a manner which will allow it to adapt to current and future risks from climate change, meeting Policy 22(b) of NPF4.

Regarding water connections Scottish Water has no objection to the proposal and advises that there is currently capacity to service the development. Regarding the points raised in the consultation response from Scottish Water, these matters are to be addressed between the applicant and Scottish Water. Advisory notes on these matters can be added should planning permission be granted. Taking into consideration the above assessment the proposal can be supported under Policy 22 of NPF4.

Regarding the potential for contamination the Public Protection Manager has been consulted and raises no concerns in terms of contamination however advises a condition to be added to any planning permission to deal with any contamination found on site during development. This matter can be addressed by a condition and will allow to proposal to meet the requirements in Policy 9 of NPF4.

Sustainability and Accessibility

In considering the requirements under the quality of being Sustainable in Policy 14 of NPF4 in terms of ensuring climate resilience and to ensure the requirements in Policy 6 of both LDPs are met, the new dwellinghouse is required 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. It is noted that this matter was addressed by a condition on the previous planning permission, and it is considered appropriate to address this matter through an updated condition, to reflect the changes in standards required under Policy 6 of both LDPs. In doing so, the proposal can be considered to meet the quality of being Sustainable in Policy 14 of NPF4.

Policy 13 of NPF4 requires development proposals to provide low or zero-emission vehicle and cycle charging points in safe and convenient locations. The Council's Supplementary Guidance on 'Energy' indicates that for new residential development consisting of single or multiple dwellings, one trickle charging point should be provided per dwelling. This matter was addressed by a condition on the previous grant of planning permission, and as no detail has been submitted in this regard, it is again considered appropriate to address this matter by a condition should planning permission be granted.

In considering the connectivity of the site, Policy 13 of NPF4 supports development proposals which have been considered in line with sustainable travel hierarchies and provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks and will be accessible by public transport. Wemyss Bay Road offers direct, easy and safe links for pedestrians and cyclists to the core path network on Wallace Road which is around 250m from the site. In terms of accessing local facilities and public transport, it is noted there are local facilities provided along Shore Road, from around 300m with the site. The nearest bus stops on Shore Road are between 500m and 550m from the site, and approximately 1km from Wemyss Bay railway station, all of 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 meet the quality of being Connected in Policy 14 of NPF4, 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. Development at this location is therefore considered to contribute to local living and a '20-minute neighbourhood' under Policy 15 of NPF4.

The proposal is for the construction of a single dwellinghouse within the curtilage of an existing dwelling on land which has already been developed and will not have any negative impacts on the global climate and nature crises, therefore it can be supported under Policy 1 of NPF4. The provision of low and zero carbon energy generating technology will assist in minimising the overall lifecycle greenhouse gas emissions, in accordance with Policy 2 of NPF4.

Traffic, Parking and Road Safety

In assessing impacts on traffic and parking the Head of Service – Roads and Transportation has been consulted and has no objections to the proposed development, noting that the off-street parking requirements for the proposed development can be met on site. It is noted that the proposed garage does not meet the required sizes to be considered as an off-street parking space and that the required spaces will need to be formed on the proposed driveway. The provision of required parking spaces at the sizes specified can be addressed by a condition, along with requirements for driveway gradients and materials. It is noted that the required visibility splays are fully contained within the adjoining footway in front of the existing wall and can be met. Taking this into consideration the proposal can be implemented without any detrimental impact on the surrounding road network and raises no concerns over road safety, meeting all requirements in Policy 13 of NPF4.

Other matters raised in consultation responses

Turning to matters in the consultations not yet addressed, regarding waste and recyclable containers, the proposal would be expected to utilise domestic waste and recyclable containers. The site allows for these to be stored discreetly without resulting in any visual or amenity impacts. As such, this matter is more appropriately addressed by an advisory note should planning permission be granted. The recommendation to obtain a radon risk report prior to the commencement of works is the responsibility of the developer and can be addressed by advisory note. Any contamination discovered on site can be addressed by a condition should planning permission be granted.

Representations

With regard to the other grounds of objection which have not been considered above the following comments are made. 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 assessed against the relevant policies of the Development Plan and any material planning considerations at that time.

Any conflicts with title deeds are civil matters which are to be addressed and resolved between the parties involved and are not material planning considerations. The road adjoining the site is not adopted and any damage caused to Wemyss Bay Road from construction traffic would be a civil matter to be addressed and resolved between the relevant parties and is not a material planning consideration. Regarding the comments suggesting the area is to be designated as a conservation area, the site currently has no such designation, and it is not in the process of being designated as a conservation area.

Conclusion

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. A new dwellinghouse on this site would contribute to the housing land supply and would accord with national policies for delivering housing. The proposal makes use of previously development land within proximity to the local facilities and public transport which would contribute to the sustainability of the development and would be appropriate for adhering to the 20-minute neighbourhood principle. The proposal offers the opportunity to provide a quality home within a residential area without the loss of any amenity space or have any detrimental impact on biodiversity or local nature.

In conclusion, the proposal can be considered to constitute as sustainable development and can be supported under Policies 1, 2, 7, 9, 10, 13, 14, 15, 16 and 22 of NPF4, Policies 1, 6, 8, 9, 10, 11 and 29 of the adopted LDP and Policies 1, 6, 9, 10, 11, 12, 18, 20 and 29 of the proposed LDP. The proposal has acceptable regard to all relevant Development Plan Policies and there are no material considerations which would warrant the refusal of planning permission. Approval should therefore be given to this application.

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.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Development shall not commence until full details of boundary treatments between the site of the existing dwellinghouse at Ardvaar and the dwellinghouse hereby approved have been submitted to and approved in writing by the Planning Authority. The approved boundary treatments shall be fully implemented prior to the dwellinghouse being first occupied unless otherwise agreed in advance in writing by the Planning Authority.

Reason: To ensure that an appropriate boundary treatment is provided in the interests of visual amenity.

3. Development shall not commence until full details of all external facing materials to be used on the development 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.

Reason: To enable the Planning Authority to retain effective control of facing and finishing materials in the interests of visual amenity.

4. 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.

Reason: To ensure the development does not increase the risk of flooding to neighbouring properties or to Wemyss Bay Road.

5. 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.

Reason: To comply with the requirements of Section 72 of the Climate Change (Scotland) Act 2009.

6. The dwellinghouse hereby approved shall 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. The approved details shall be implemented prior to the first occupation of the house.

Reason: To ensure adequate provision is made to encourage the use of electric vehicles.

7. 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.

Reason: To ensure suitable parking provision is provided for the new development in the interests of road safety.

8. For the avoidance of doubt, the driveway and garage access hereby permitted shall be paved for a minimum distance of 10m adjacent to Wemyss Bay Road and the driveway gradient shall not exceed 10%.

Reason: To ensure the provision of adequate driveways and to prevent loose material being carried onto the road.

9. The discovery of any contamination or made ground (>1m³) that becomes evident during site 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.

Reason: To ensure that all contamination issues are recorded and dealt with appropriately.

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.