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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>6th October 2010</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>10/0238/IC Plan10/10</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Erection of a dwellinghouse (in principle) at Lyle Grove, Greenock</b>		

## **SITE DESCRIPTION**

The application site consists of a primarily steeply sloping site located to the southern side of Lyle Road, Greenock. A flat area surfaced in gravel is located to the front of the site behind which lies a retaining wall with the steeply sloping area of ground extending back to an area of woodland at the rear. A variety of dwellings located on Lyle Grove, Lyle Road and Fort Matilda Place lie adjacent to the property.

## **PROPOSAL**

This application considers the principle of the erection of a new dwellinghouse. Access would be taken from Lyle Grove. Whilst an indicative footprint of the new house has been submitted, as the application is considered in principle no details of the building itself are considered at this stage.

## **LOCAL PLAN POLICIES**

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H8 - The Character and Amenity of Residential Areas

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;

- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;
- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

PPAN2 - Single Plot Residential Development applies.

## CONSULTATIONS

**Head of Environmental and Commercial Services** – No objections on road safety grounds. All site surface water will require to be intercepted and contained within the development, details of which must be submitted for approval.

**Head of Safer and Inclusive Communities** – Standard contaminated land conditions should be applied.

## PUBLICITY

The application was advertised in the Greenock Telegraph on 13th August 2010 as there are no premises on neighbouring land.

## SITE NOTICES

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

## PUBLIC PARTICIPATION

The application was subject of neighbour notification and a press advert. 11 letters of objection have been received on behalf of 13 individuals.

The objectors' concerns can be summarised as follows:

1. The proposal will lead to overdevelopment of Lyle Grove.
2. Lyle Grove is a private road and the applicant does not have any right of access to the application site.
3. Damage may occur to the road.
4. Road safety will be compromised within Lyle Grove and at the junction with Lyle Road.
5. Additional parking may result in the turning area.
6. The development would exacerbate existing flooding and drainage problems. A flood risk assessment may be required.
7. The works may lead to a landslide particularly if trees are to be removed.
8. The applicant states the address of the site is 10 Lyle Grove. There is no such address.

9. The information provided on the site plan with regard to the ownership of neighbouring property is incorrect.
10. The privacy of neighbouring houses will be reduced.
11. The existing retaining wall at number 8 Lyle Grove is already cracking and the development may lead to further damage.
12. The applicant states on the application form that the existing vehicular access is to be altered and improved. As there is no legitimate right of access to the site a Certificate of Lawfulness is required to address the question of access prior to the consideration of any planning application.
13. There is an over provision of detached houses in the area.
14. Wildlife will be affected.

## **ASSESSMENT**

The material considerations in the determination of this application are the Inverclyde Local Plan, Planning Practice Advice Note 2, the effect on the established streetscape, amenity of neighbouring residents, the consultation responses and letters of objection.

In terms of the Local Plan, policies H1 and H8 provide the relevant criteria for the assessment of the proposal. PPAN 2 offers advice on single plot residential development and supports proposals where they are compatible with the development pattern in the locality. Local Plan Policy DC1 supports applications that accord with the PPANs.

Assessing the proposal, I note that a road frontage exists to the northwestern corner of the site. The existing building pattern in Lyle Grove is characterised by a variety of detached and semi detached properties and erecting a single house would be compatible with this pattern of development. The plot size is larger than that found at numbers 6 and 8 Lyle Grove and largely comparable with number 4. I am therefore satisfied that the plot size is acceptable when considered in the context of the existing building pattern and I consider that a suitably sized dwelling can be accommodated. Whilst the site is steeply sloping and it is possible that some trees would require to be removed, this does not preclude development. I note that neighbouring properties are constructed on similar topography thus indicating that a suitable engineering solution could be sought without destabilising the ground.

Considering the means of access to the proposal, I note that Lyle Grove itself is sub-standard and not adopted by the Council. These shortcomings do not necessarily mean that the roads and footpaths pose an unacceptable threat to road and pedestrian safety. The Head of Environmental and Commercial Services offers no objection in principle and there is nothing to suggest that the small increase of vehicular use generated by the additional house would unacceptably impact road or pedestrian safety either on Lyle Grove or at the junction with Lyle Road. I am therefore satisfied that direct access onto Lyle Grove and its current condition does not merit refusal of planning permission. The indicative site layout shows that adequate off street car parking could be achieved on site.

I note concern raised with regard to flooding and drainage. It is appropriate to consider comments from the Head of Environmental and Commercial Services who advises that none of the criteria which would necessitate the submission of a formal flood risk assessment apply. All surface water must, however, be contained within the development site and I am satisfied that this requirement can be dealt with by way of a condition.

The outstanding material consideration in the assessment of this application is that of neighbouring amenity. I note concerns raised with regard to privacy and loss of daylight. I do not consider that a house of a similar scale to those existing in the street and with appropriately positioned windows would be likely to result in an unacceptable loss of daylight or privacy. For example, the minimum standard of 18 metres window to window distance with neighbouring properties to the north could be achieved by any house situated on the site.

I am also satisfied that that the erection of a house on the site would be in keeping with the established development pattern. Whilst there may require to be an element of tree removal to allow the development to proceed, these features are currently afforded no specific protection. I do not consider there to be any reason why these works cannot be undertaken in an appropriate manner in order to have an acceptable impact on the streetscape. I therefore find the proposal to accord with policies H1 and H8 of the Inverclyde Local Plan and PPAN 2.

Considering the outstanding points raised by the objectors, I note concern that that the applicant has no right of access over Lyle Grove to the site and the suggestion that a Certificate of Lawfulness would require to be submitted to establish access prior to the consideration of the planning application. A Certificate of Lawfulness will consider only the position in planning law, and has no bearing on title matters. The submission of this application considers the planning merits which is only one of a number of permissions required to enable development to proceed. It is permissible for planning permission to be granted but for other restrictions relating to title and ownership to block construction. I further note concern raised that Lyle Grove and neighbouring roads will be damaged by construction traffic. Lyle Grove is in private ownership and any issues relating to right of access and damage that was to occur would be civil matters to be resolved between the parties involved. Considering the concerns raised over incorrect information on the ownership of neighbouring property as shown on the indicative site plan, I can confirm that as land ownership is not a material planning consideration and as the land in question forms no part of the application site, this issue has no bearing on the assessment of the application. I acknowledge that the address '10 Lyle Grove' does not exist, however the reference to the site on the application form as 10 Lyle Grove by the applicant has no bearing on the assessment of the planning application. The site in question is clearly indicated on the location plan submitted. There is nothing to suggest there would be an unacceptable impact on wildlife. Finally, the development of a single property would not lead to an over provision of residential units within the area.

Having assessed the proposal with reference to the Inverclyde Local Plan and PPAN 2, I find it to be in keeping with the established development pattern and there to be an acceptable impact on neighbouring properties and the wider locality. I am satisfied that the means of access can be safely achieved and that there are no material planning consideration which would merit the refusal of the application.

## **RECOMMENDATION**

That the application be granted subject to conditions.

Conditions

1. This permission is granted under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 on an application for planning permission in principle and further approval of the Council or of the Scottish Ministers on appeal shall be required with respect to the under mentioned matters hereby reserved before any development is commenced:
  - a. the siting, design and external appearance of any building(s) to which the planning permission or the application relates;
  - b. details of the access arrangements;
  - c. details of landscaping of the site, including play provision.
  
2. All surface water shall be intercepted within the site.

3. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until treatment is completed as per the methodology and treatment statement. Any variation to the treatment methodologies will require subsequent approval by the Planning Authority prior to development starting on site.
4. That the development shall not commence until a risk assessment, including any necessary remediation strategy with timescale for implementation, of all pollutant linkages, has been submitted to and approved in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with acceptable codes of practice. The remediation strategy shall include verification/validation methodologies. This may be incorporated as part of a ground condition report and should include an appraisal of options.
5. That on completion of remediation and verification/validation works and prior to the site being occupied, the developer shall submit a Completion Report for approval, in writing by the Planning Authority, confirming that the works have been carried out in accordance with the remediation strategy. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of imported/disposed/reused materials relevant to the site.
6. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential amendments to the Remediation Strategy shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
7. That no material shall be imported onto the site until written details of the source of the imported material has been submitted for approval, in writing by the Planning Authority. The details, which shall be submitted no later than four weeks prior to the material being imported onto the site, shall include; the source of the imported material, any potential source(s) of contamination within 50 metres of the source of the material to be imported and verification analysis information. The material must not be imported on to the site until written approval has first been received from the Planning Authority. The material from the source agreed only shall be imported in strict accordance with these agreed details.

#### Reasons

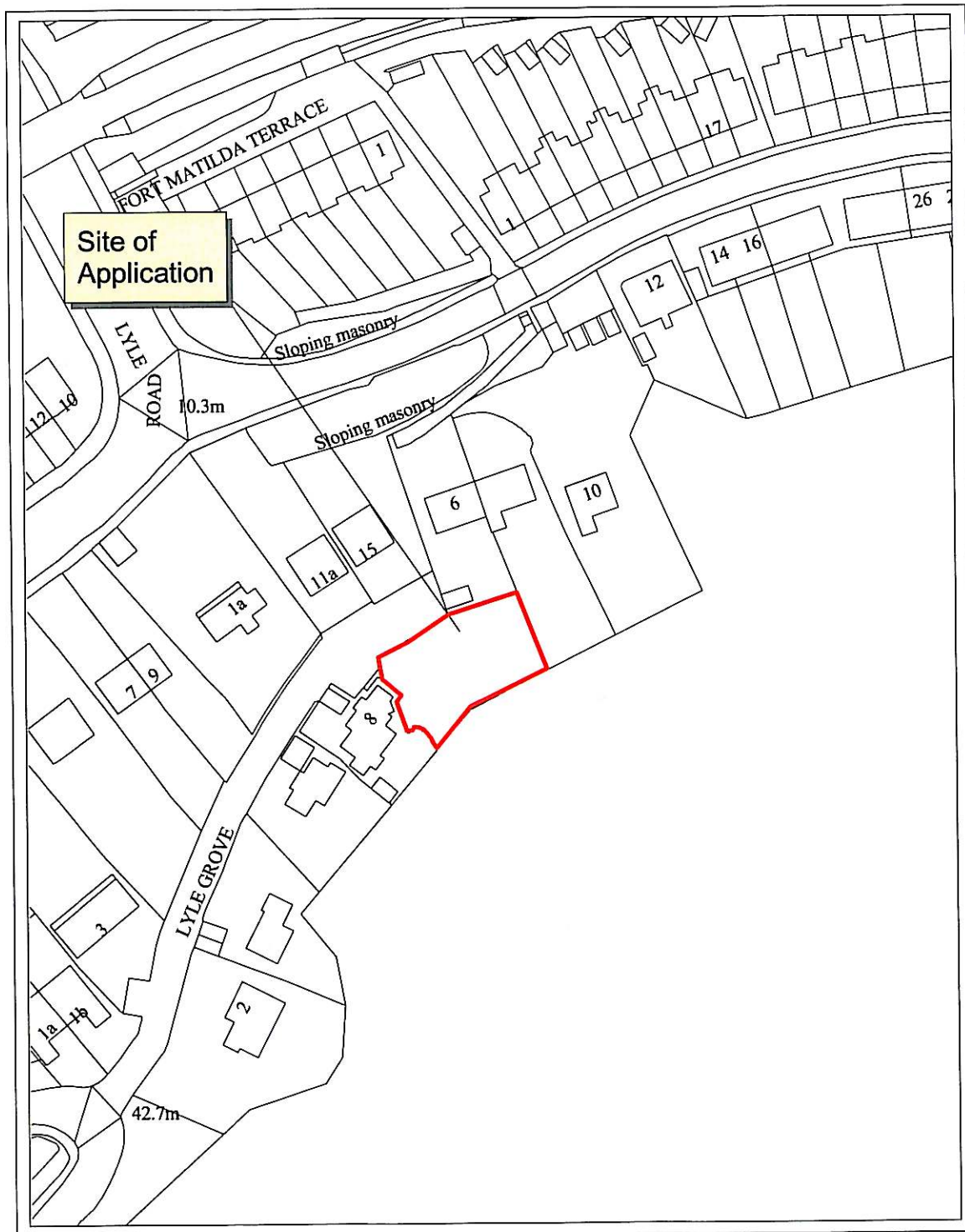
1. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. To control runoff from the site to reduce the risk of flooding.
3. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
4. To satisfactorily address potential contamination issues in the interests of environmental safety.

5. To provide verification that remediation has been carried out to the Authority's satisfaction
6. To ensure that all contamination issues are recorded and dealt with appropriately.
7. To protect receptors from the harmful effects of imported contamination.

Stuart Jamieson  
Head of Regeneration and Planning

#### Background Papers

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. PPAN 1
5. Consultation responses
6. Letters of objection



Drawing No. 10/00238/IC Lyle Grove, Greenock

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Date: 16:09:10



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