
Report To:	The Planning Board	Date:	3rd November 2010
Report By:	Head of Regeneration and Planning	Report No:	10/0268/IC Plan 11/10
			Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Construction of two dwellinghouses (in principle) at Vacant Land Dunvegan Avenue, Gourock		

SITE DESCRIPTION

The application site is an area of open space which lies between nos. 34 and 36 Dunvegan Avenue, Gourock. The site is part of the formal open space provision within the residential development approved under planning permission IC/77/115, with the site on the approved plans annotated as "public open space".

PROPOSAL

The applicant seeks planning permission, in principle, to erect two dwellinghouses on the site. Part elevation plans show two detached villas. As the application is in principle no further details are shown.

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 LR1- Safeguarding Open Space

Inverclyde Council, as Planning Authority, will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map;
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges; and
- (c) where appropriate, encourage other relevant and compatible development for the purposes of leisure, recreation and sport.

CONSULTATIONS

Head Of Environmental And Commercial Services - A Flood Risk Assessment and Drainage Impact Assessment are required. Access should be taken via a footway crossover constructed in accordance with the Council's Roads Development Guide. The maximum driveway gradient should not exceed 10% and all site surface water runoff should be intercepted within the development site. A minimum driveway length of 2.0 metres from the roads boundary should be constructed in impervious material. Car parking should be provided within the curtilage of the development in accordance with the guidelines.

PUBLICITY

The application was advertised in the Greenock Telegraph on 10th September 2010 as there are no premises on neighbouring land and as it is contrary to the development plan.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application has been the subject of neighbour notification and press advertisement. Ten letters of objection have been received. The points of objection may be summarised as follows:

1. As the site is public open space, approval of the application would erode public amenity (the area has been observed being used by children for informal play).
2. Approval would depart from previous planning decisions on the site.
3. Approval could set a precedent on other areas of open space within the development.
4. The proposal could generate extra on-street parking to the detriment of traffic safety.
5. Loss of privacy.
6. Loss of sunlight.
7. Implications for adjacent properties of interrupting natural drainage from the site.
8. Noise during construction and from increased numbers of residents.
9. Approval would be contrary to the requirements of title deeds forbidding development on the site.

10. Concerns are expressed over the poor condition of the site and the applicant's responsibilities.
11. Concern over tenure, especially if properties are rented.
12. The site should be made a formal play area.
13. There is no demand for housing in this area as witnessed by the number of house owners having difficulty selling their properties.
14. The building of new houses could devalue adjacent properties.

ASSESSMENT

The material considerations in determination of this application are the Local Plan, the planning site history, the consultation responses and the letters of representation.

While I acknowledge the objections relating to parking, impact on privacy and sunlight, drainage and noise, the site is of a size and nature that could accommodate 2 houses. However, the site is covered by Policy H1 which states that the character and amenity of existing residential areas should be safeguarded, and where practicable, enhanced. This area of open space is part of a planned residential development which sought to provide an appropriate balance of open space and developed house plots. I consider that developing this area of open space would impact on the spacious nature of the residential area and thereby detract from the residential amenity of the area. The proposal is therefore contrary to Local Plan Policy H1. Policy H8 sets out criteria for proposed residential development which is acceptable in principle. In view of the conflict with Policy H1 the principle of developing this site is not acceptable and assessment under the stated criteria is not therefore required. Policy LR1 states that the Council will support, safeguard and where practicable, enhance areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges. The open space provided within the original development was in accordance with the earlier Development Plan which required public open space to be provided at a ratio of 0.16 hectares per 1000 population of which children's play areas and kick-about areas were to comprise 0.32 hectares. The loss of this open space would be contrary to the aims of policy LR1. It is therefore clear that the proposal is contrary to the Local Plan.

With respect to the other material considerations, a summary of the site history allows assessment with reference to the historical context to this application. A previous application to erect a house on this site was refused planning permission in September 2000 as:

"The loss of the area of open space would be severely detrimental to the open space and spacious character of the residential area and would remove an area where local children can play safely".

In 1992 planning permission (IC/92/100) was refused for the erection of a house on another area of open space within the same residential development at the junction of Tantallon Avenue and Dunvegan Avenue, as:

"1. The proposed form of development which relates to the erection of an additional dwellinghouse within an area originally allocated for garden ground would be inappropriate and contrary to good planning practice.

2. The proposed form of development, if approved would set a precedent for similar future developments which collectively would be detrimental to the area as a whole."

The decision was upheld on appeal to the then Scottish Executive with the Reporter concluding that:

"The combination of the sinuous road layout, the housing types used and the varying forms of interlinked open spaces creates a most pleasing harmonious open type of development in a location that enjoys spectacular views across the Clyde. The public open space in the vicinity of the appeal site is well maintained and contributes to the high standard of amenity that is typical of an

upper market housing development sited on the periphery of a town. As there are no examples of more recent infill of the linking open space in the immediate area, there is a pleasing balance and uniformity in the layout.”

The above was taken into account by the Planning Board in refusing an application for planning permission in outline (for 3 dwellinghouses) in March 2009. Permission was refused on the basis that "the loss of the area of open space would be severely detrimental to the open and spacious nature of the residential area and would remove an area where children can play safely, which would be contrary to Local Plan Policies H1 and LR1".

The current application has to be considered in the above historical context.

I note the observations of the Head of Environmental and Commercial Services. If the Council were minded to approve the development then consideration of the application would require to be continued to request the applicant to submit a Flood Risk Assessment and Drainage Impact Assessment. The other matters raised could be dealt with by conditions.

Turning to the points of objection not addressed elsewhere in this report, while each application has to be treated on merit I share concerns over the possibility of a bad precedent being set. I would also comment that the requirements of title deeds are not a material consideration.

Taking all of the above into consideration I am satisfied that there are no material considerations which suggest that a departure from the Local Plan can be justified.

RECOMMENDATION

That the application be refused for the following reason:

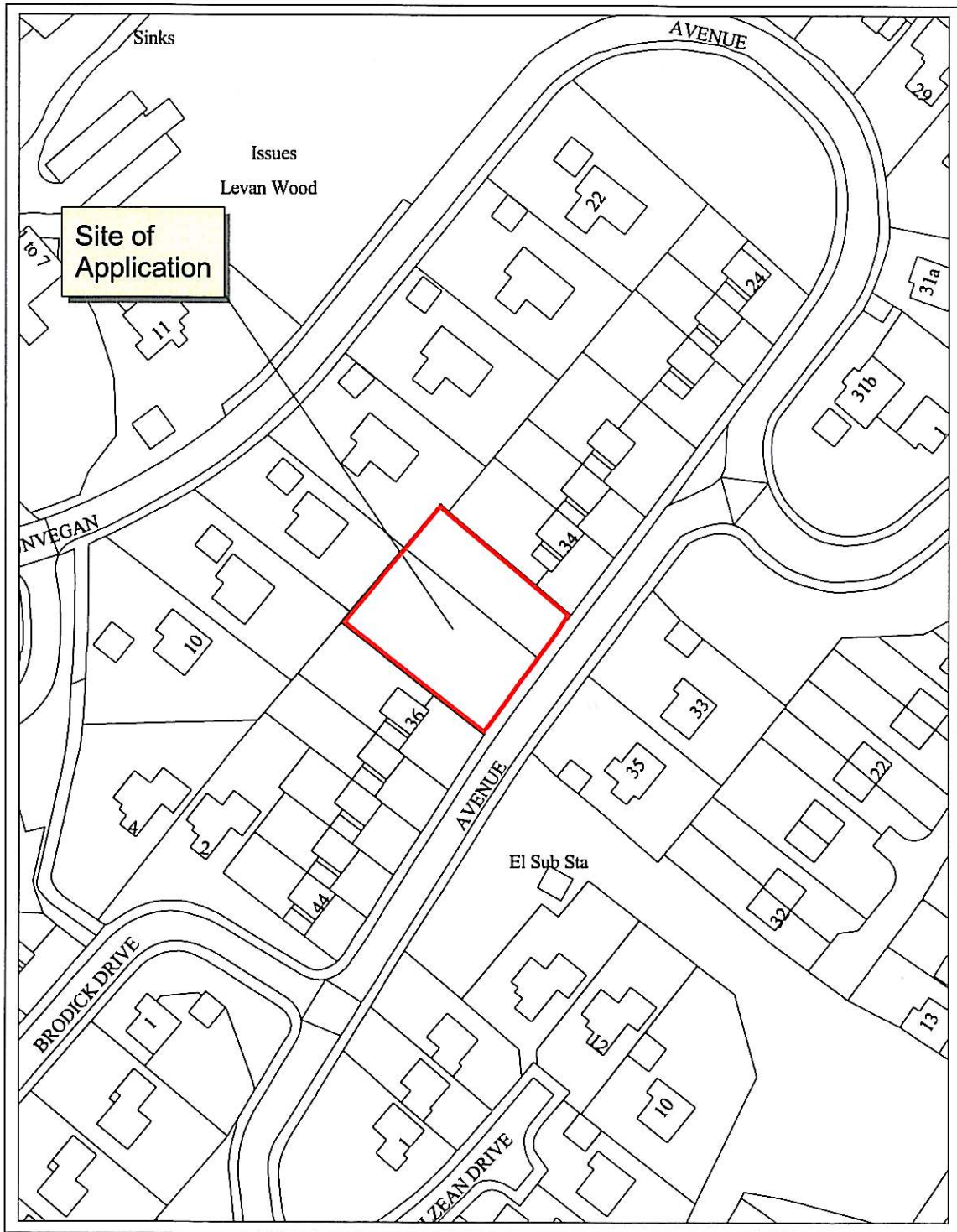
Reason

1. The loss of the area of public open space would be severely detrimental to the open and spacious nature of the residential area and would remove an area where children can play safely, which would be contrary to Local Plan policies H1 and LR1.

Stuart Jamieson
Head of Regeneration and Planning

Background Papers

1. Application form and plans
2. Inverclyde Local Plan
3. Previous decisions on existing and nearby site.
4. Consultation response.
5. Letters of representation.



Drawing No. 10/00268/IC Dunvegan Avenue, Gourrock

Drawn by: JML

Date: 19:10:10



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