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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>4 May 2011</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>08/0300/IC Plan 05/11</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Proposed Flatted Development at Killochend Drive, Greenock</b>		

## **SITE DESCRIPTION**

The site is to the south of and accessed from Killochend Drive, Greenock. The back gardens of houses in Killochend Drive adjoin to the north and houses at Dresling Road are to the west. Areas of rough hillside adjoin to the east and south intervene between the site and houses at Chromars Place to the west. Two watercourses cross the western part of the site and enter a culvert on the south side of Killochend Drive. In the main the ground sits high above the level of Killochend Drive and comprises of rough ground with tree cover in places.

## **PROPOSAL**

The application seeks approval for 31 flats within one L shaped block which, at its nearest point, is approximately 21m to the south of the houses on Killochend Drive. The topography of the site is such that solum level of the flats equates approximately to the ridge level of the houses in Killochend Drive. The proposed elevations indicate that the flats would be contained predominantly within three storey units, with the top floor being partially contained within the roof space. Where the development lies close to the boundary of properties in Killochend Drive the height has been reduced to two storey, with the upper floor contained partially within the roofspace. The ridge heights have been stepped to reflect the change in levels through the site. External finishes are indicated as red and buff coloured facing brick, brown coloured concrete roof tiles and white UPVC framed windows.

The application was originally submitted in December 2008 proposing 31 car parking spaces. The application was being considered under delegated powers and, based on the number of car parking spaces, required a Section 75 Agreement restricting occupancy to housing association tenants and prevented commencement of development until such time as an agreement to occupy had been agreed. Operational issues deemed the terms of the agreement impractical, encouraging a change in the application aimed at eliminating the need for the agreement. As a consequence car parking has been increased and neighbours were notified of the revised proposal. The revised layout indicates 47 car parking spaces arranged in a courtyard setting, with a central landscaped area and small pockets of landscaping on the edge of the courtyard. New soft landscaping is also indicated along the boundary with the houses at Killochend Drive, as well as within the rear gardens of the flats and on the embankment to the south and east of the flats. A new access road from Killochend Drive is required with a new culvert to part of the existing burn. The existing water

main requires to be diverted prior to the site being developed. A Flood Risk Assessment and Drainage Impact Assessment have been submitted with the application.

In April 1983 outline planning permission was granted for the residential development of land off Drumfrochar Road, which included the current site. A subsequent reserved matters application for 55 houses was approved in March 1987 for the land due north of the current application site. This permission was not implemented and the planning permission lapsed. In May 2000 planning permission was granted for 80 houses, resulting in the adjacent development at Killochend Drive. More recently, in May 2006, outline planning permission was granted for 9 townhouses on the site.

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

## **CONSULTATIONS**

**Head of Environmental & Commercial Services** - The Flood Risk Assessment and Drainage Impact Assessment provided are satisfactory, however conditions are required to control the drainage of water on the site and help prevent flooding. The proposed road accessing the site is potentially adoptable and will require Construction Consent.

**Scottish Water** - No objections.

**Scottish Environment Protection Agency West** - No objections.

**Head Of Safer & Inclusive Communities** - No objections, however there is a need to impose contaminated land standard conditions.

**Strathclyde Fire & Rescue** – No objections.

## **PUBLICITY**

The original submission generated 1 letter of objection. Following re-notification of the revised layout, a further 39 written representations, including a 104 signature petition, have been received. The objectors are concerned that:-

1. Road safety will be adversely affected. Children shall no longer be able to play in the street.
2. Access shall be taken from Killochend Drive.
3. The car park shall be inaccessible in severe winter weather.
4. There is a danger of cars crashing into the back gardens in Killochend Drive from the proposed car park.
5. Occupants would use grit bins intended for the sole use of Killochend Drive residents.
6. Occupancy shall be by housing association tenants with an alleged potential for vandalism and lack of care for their surroundings.
7. Property values shall be adversely affected.
8. Neighbouring houses would suffer losses of privacy, sunlighting and views.
9. The proposed houses should be constructed elsewhere.
10. The site shall be over developed.
11. There is no play provision included in the proposal and children would use privately factored play facilities in adjoining housing developments. Occupants should be required to pay towards factoring costs for the neighbouring housing development.
12. Flooding shall occur.
13. Ownership of the site is in question.
14. Three storey development is out of character with the area.
15. There would be a loss of greenspace, woodland trees and wildlife.
16. The car park shall create a noise nuisance to adjoining property.
17. Youths allegedly camp out in the area overnight and engage in anti social activities. Gangs may hang around the entrance to Killochend Drive.
18. There would be disruption, parking congestion, noise and damage to surrounding roads from site works.
19. A previous planning permission for 2 storey townhouses has not been implemented.
20. There shall be a strain on local school facilities.
21. The Killochend Residents Association has not been reimbursed by the developer for costs they incurred in the construction of a fence, to prevent the congregation of youths. Construction of the fence followed an alleged stabbing on the site.
22. There is a surplus of flats for sale in Greenock.
23. Fires are allegedly set on the neighbouring hillside and Strathclyde Fire & Rescue use the application site for access.
24. A precedent would be set for further development.
25. No site notice was posted to advertise the application.

## **ASSESSMENT**

The material considerations in the assessment of this application are the Local Plan, the Council's PPAN3 "Private & Public Open Space in New Residential Development", the planning history of the site, the consultation responses and valid planning issues raised in the written representations.

The site is located within an area covered by Local Plan Policy H1 which seeks to safeguard and where practical enhance residential amenity and character. It should also be noted that previous planning permissions, although not developed, permitted residential development on the site. On this basis, the principle of development is acceptable subject to a detailed assessment of the proposed layout, density and design. In this respect Local Plan Policy H8 and the Council's PPAN 3 "Private & Public Open Space In New Residential Development" provide a framework for assessment.

For a development of this scale, Policy H8 requires assessment of compatibility with the character and amenity of an area in terms of land use, density, design and materials used, visual impact of

development on the site and its surroundings, landscaping and open space proposals, assessment against the Council's Roads Development Guidelines and service provision. PPAN3 provides more detail to assist in the assessment.

Addressing density, design and materials, I note that neighbouring housing in Killochend Drive, Dresling Road and Chromars Place are 2 storey detached and semi detached finished in a mix of facing brick, render and concrete roof tiles. The proposed use of red facing brick, white framed windows and brown roof tiles reflects the materials and colours evident in the locality. While this proposal introduces a third storey, the design reduces the impact by partially incorporating the upper floor within the roofspace. By their very nature, flatted developments have a higher building density than detached and semi detached housing, however the visual impact is offset by the location on the edge of town directly adjacent to the Green Belt and set back from the existing housing within the profile of a hillside. Furthermore, the site is tucked behind the street frontage and the building will not be viewed within the context of an established building and street pattern.

The development exacerbated by the topography, will have greatest impact on the immediate neighbours in Killochend Drive and Dresling Road. Separation of the site from Chromars Place is such that I do not consider there to be an unacceptable impact. In the main, impact will be concentrated on the implications from vehicular activity and parking, however residents at nos. 10-14 Killochend Drive will have a two storey section of building located within 5 metres of their rear boundary. While loss of private views to open countryside cannot be taken into account, it is recognised that any development of this site will impact immediately adjacent residents, however the acceptability or otherwise of this impact requires to be assessed with reference to established development patterns.

Firstly considering the impact on the nearest neighbours, I note that the building, due to a combination of being set back within the site and window angles, presents limited potential for window to window overlooking. When occurring, it is at a minimum 25 metres and typically in excess of 50 metres. The gable adjacent to numbers 10-14 Killochend Drive will cast a shadow over and above the shadow cast by the existing hillside. Tests using the British Research Establishment's Sun on Ground Indicators reveal that, for most of the day, there are usable parts of neighbouring gardens in sunlight. Overall, it is concluded that the shadow impact from the building is acceptable.

Addressing traffic issues, 165% off street parking is proposed in accordance with the Council's Roads Development Guide. The access road connects with Killochend Drive, entering the site between No 2 and an area of landscaping. It is approximately 60 m long and is bound by the side gardens of 2 Killochend Drive to the east and 13 Dresling Road to the west. There are 5 parking spaces in layby configuration between the road and 2 Killochend Drive. The road is separated from from 13 Dresling Road by approximately 5m and by 0.5m (incorporating the layby parking spaces) from 2 Killochend Drive. The houses on the sites at 13 Dresling Road and 2 Killochend Drive are set back 10m and 11m respectively from the access road with each house having 1.8m high fenced boundaries. Similar relationships between houses and roads are found within many localities in Inverclyde and are considered acceptable. I note the comment of objectors regarding grit bins, but can advise that these are not for the exclusive use of Killochend Drive residents. Overall, there are no objections to the proposal from the Head of Environmental & Commercial Services on road safety grounds.

The parking court serving the flats adjoins the rear boundaries of Nos 2-10 Killochend Drive and is separated by existing timber screen fencing. The distance between the neighbouring Killochend Drive houses and the parking court varies between 16m and 20m. I consider the relationship of the parking court to the adjoining houses to also be acceptable. I note concerns of residents regarding danger from cars and, while a kerb is indicated on the proposed plans at the edge of the car park, I consider a condition should be attached requiring the provision of a safety barrier to prevent any runaway cars rolling onto the adjoining slope. Planting is indicated on the proposed layout plan between the access road, parking court and the Killochend Drive houses adjoining the site. Details of this planting can, I consider, be satisfactorily controlled by condition.

Considering landscape and open space provision, the site is not included as protected open space in the Local Plan, scrub trees on the site do not have protected status and there is no suggestion that there is habitat for protected species on the site. The Council's PPAN3 advises that flatted developments should reflect the existing scale of buildings and townscape in the immediate environs. Open space need only be provided where surplus land is available following the provision of any off street parking required. There is an approximately 1300 square metre landscaped embankment at the southern (rear) boundary, with incidental landscaping around the car park and access road. Overall, I am satisfied that the level of provision is appropriate. While I note the comments from objectors that the play facilities are private to residents of the street, the factoring arrangement arose as a direct decision of the housebuilder at the time opting not to pass the land to the Council for maintenance. The play facilities are provided in accordance with the requirement for play provision in policy H11 of the Local Plan and are not intended for the exclusive use of children in Killochend Drive. Regardless, the proposal is for 2 bedrooomed flats which are unlikely to attract families with significant numbers of children adding unmanageable demand for play and school facilities.

Regarding compliance with the Council's Roads Development Guide and provision of adequate services, also required by policy H8, there are no objections from the Head of Environmental & Commercial Services and Scottish Water. I note that the Flood Risk Assessment submitted with the planning application has been favourably assessed by the Head of Environmental & Commercial Services and that there are no objections to noise from the Head of Safer & Inclusive Communities or on fire safety grounds from Strathclyde Fire & Rescue. Overall, the consultation responses present no impediment to development, however conditions and notes are required in respect of possible contaminated land, flood prevention and the detailed design of the culvert, in addition to landscaping details and external finishes.

In conclusion, I consider the submitted design to be acceptable in terms of density, design, choice of materials, visual impact, landscaping and open space provision in accordance with the relevant criteria within policy H8 and the guidance contained in PPAN3.

The issues raised by the objectors regarding property values, disturbance from site works, perceived anti social behaviour, costs incurred in the construction of a fence, and potential occupancy by housing association tenants and the local property market are not material Town Planning considerations.

Finally, in response to objections raised on procedural matters, I can advise that the applicant has submitted his title plan confirming his ownership of the site and that there was no requirement to post a site notice.

## **RECOMMENDATION**

That the application be granted subject to conditions

### Conditions

1. That the development to which this permission relates must be begun within 3 years from the date of this permission.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. No building shall take place over existing or diverted watercourses, with the exception of roads and parking areas.
8. A trash screen shall be provided at the new culvert entry.
9. Surface water management in relation to the proposed development shall comply with the Council's guidelines. This relates to the provision of on site storage, land drainage and identification of maintenance responsibilities.
10. That all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details of the maintenance regime for the water detention areas shall be submitted to and approved in writing by the Planning Authority.
11. The existing field drains have to be connected into the attenuation system.
12. A visibility splay of 2.5m x 35.0m x 1.05m shall be achieved at the junction of the access with Killochend Drive.
13. No development shall commence until fully detailed landscaping proposals have been submitted to and approved by the Planning Authority in writing.
14. Prior to work commencing on site full details of the proposed culvert shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA.

15. That samples of all facing and roofing materials shall be submitted to and approved by the Planning Authority in writing prior to work commencing.
16. A safety barrier shall be provided between the car park and the boundary with the neighbouring Killochend Drive houses prior to the flats hereby approved being occupied: details of same being submitted for the prior written approval of the Planning Authority.
17. That prior to the occupation of the flats, all proposed car parking shall be provided to final surface level and marked out.

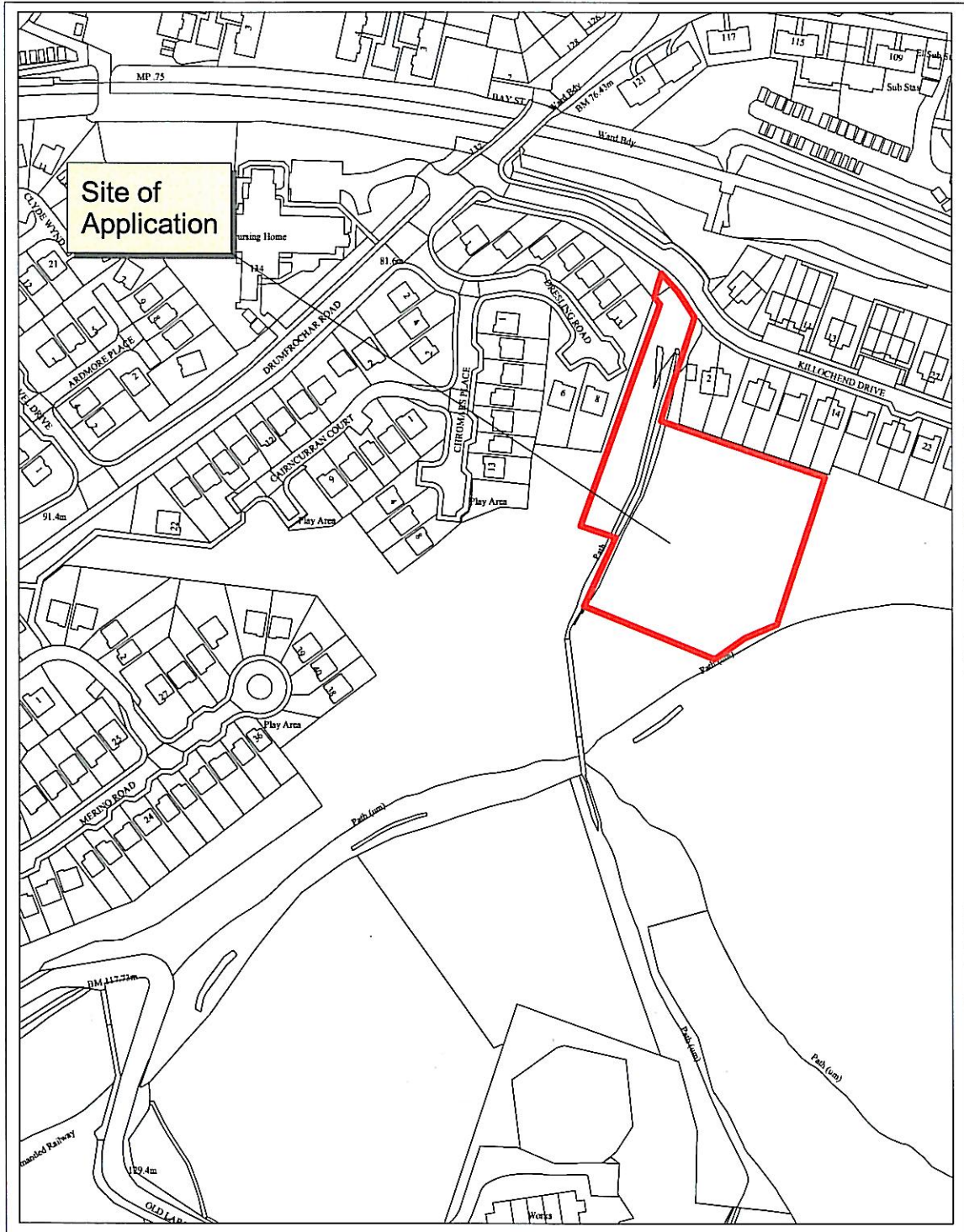
#### Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To satisfactorily address potential contamination issues in the interests of environmental safety.
3. To provide verification that remediation has been carried out to the Authority's satisfaction.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination.
6. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
- 7-11. To control drainage of water from the site and help prevent flooding.
12. In the interests of road safety.
13. To ensure that appropriate landscaping is incorporated within the development.
14. To ensure compliance with the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).
15. To ensure that the external finishes are appropriate for the site.
16. To prevent harm from runaway vehicles.
17. To ensure proper provision of car parking in accordance with the approved plan.

Stuart Jamieson  
Head of Regeneration and Planning

#### BACKGROUND PAPERS

1. Application form
2. Application plans
3. Inverclyde Local Plan
4. Planning applications IC/82/297, IC/86/112, IC/99/380, IC/00/31, IC/00/351R and IC/06/007
5. Consultation responses
6. Written representations
7. Report to Planning Board October 2009



Drawing No. 08/0300/IC Killochend Drive, Greenock.

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