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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>7th September 2011</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>11/0169/IC Plan 09/11  Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Application for residential development in principle, including the formation of a new access road at  Barr's Brae, Port Glasgow</b>		

## **SITE DESCRIPTION**

The site is a rough hillside on the west side of Barr's Brae, Port Glasgow. It is irregularly shaped, extends to approximately 0.86ha and slopes steeply down from south to north. To the south, at higher level, the site is bound by the rear of properties at Dougliehill Terrace. To the north is the Sustrans cyclepath with houses beyond at Roseyard Place. To the west and south east is further rough hillside. To the east, across Barr's Brae, is an area of landscaped open space.

## **PROPOSAL**

Planning permission in principle is sought for a residential development, including an access road from Barr's Brae. An indicative layout has been submitted portraying an access road with fifteen houses on its south side. The back gardens of the proposed houses are indicated as terraced to take account of the significant change in levels from ground floor to the rear garden boundary of the Dougliehill Terrace properties.

## **LOCAL PLAN POLICIES**

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.

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 H11 - Residential Development Proposals and Open Space Provision

Inverclyde Council, as Planning Authority, requires developers of new housing to make provision for public open space, play areas and private garden ground, or a comparable financial contribution towards either the provision of, or maintenance and improvement of, existing play equipment in a park or play area in the vicinity of the development, in accordance with the Inverclyde Council Planning Practice Advice Note 3.

## 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.

## CONSULTATIONS

**Head Of Safer and Inclusive Communities** - No objections subject to standard contaminated land conditions.

**Head Of Environmental and Commercial Services** – No objections. The Flood Risk Assessment is acceptable in principle. An advisory note should be added to the planning application stating a Detailed Flood Risk Assessment will be required for detailed planning permission.

## PUBLICITY

The application was advertised in the Greenock Telegraph on 1st July 2011 as it is contrary to the development plan and as there are no premises on neighbouring land.

## SITE NOTICES

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

## PUBLIC PARTICIPATION

Seven written representations have been received. A previous application in principle for the erection of 20 houses on the site was withdrawn. It attracted sixteen written representations, including a petition bearing 16 signatures.

The objectors are concerned that the proposal will:-

1. Roads and traffic issues

- Generate traffic noise.
- Adversely impact road safety on Barr's Brae and Moray Road. Steps require to be taken to ensure that the necessary visibility splay at the site entrance does not become obscured by vegetation.
- Create disruption and parking congestion for the duration of the site works.

2. Nature conservation issues

- Impact upon wildlife. The site should be protected.
- Disrupt tree cover.

3. Ground condition and drainage issues

- Discharge waste water to the Bouverie burn, which title restrictions prohibit.
- Exacerbate existing garden drainage problems at Roseyard Place and surface water runoff onto Barr's Brae.
- Necessitate the removal of Japanese Knotweed.
- Create a potential for landslip, prejudicing the structural stability of properties at Dougliehill Terrace.
- Result in excavation of the hillside adversely impacting properties at Roseyard Place.

4. Amenity issues

- Adversely impact visual amenity.
- Be intervisible with houses at Roseyard Place.
- Overdevelop the site.
- Adversely impact views from Dougliehill Terrace.
- Adversely impact property values.
- Impact upon the Sustrans cycle track with noise and air pollution for cyclists and residents.

## **ASSESSMENT**

The determining issues in the determination of this planning application are the Local Plan, the Council's PPAN3 "Private & Public Open Space in New Residential Developments", the planning history of the site, the consultation responses and the relevant points raised in the written representations. Comments raised by objectors on ground stability, loss of view, property value, construction traffic and title restrictions are not matters to be considered in assessing the planning merits of this proposal in principle. Trees on the site are not afforded the protection of a Tree Preservation Order.

A survey of all open space in Inverclyde was carried out in 2010 to identify both the quality and quantity available. This survey established that the open space at Barr's Brae is a steep strip of semi-natural scrubland with no formalised use other than as a buffer between the road on Barr's Brae and the houses on Dougliehill Road. The site lies within an area designated as Open Space in the Local Plan, deriving from planning permission in 1980 identifying the site as a play area. The proposal is therefore contrary to Policy LR1 "Safeguarding Open Space".

However, Local Plan Policy H11 requires developers of new housing to make provision for public open space and play areas in accordance with the Council's PPAN 3 "Private & Public Open Space In New Residential Developments". The PPAN advises that public open space be provided at the indicative ratio of 1.64ha per 100 population. There are 158 flats and houses within the site granted

planning permission in 1980 and allowing for an average occupancy of 2 persons, there is a requirement for 0.5ha of open space. The open space provided in 1980 is approximately 1.97ha and, consequently, there is an excess provision of approximately 1.47ha. The application site extends to approximately 0.86ha. In June this year, planning permission in principle was granted for the construction of 8 houses on another section of the Dougliehill development's play area provision. It extends to 0.32ha. Developing the two sites leaves an excess provision. Policy DC1 advises that applications for planning permission which accord with the design principles established in the Council's PPANs will be supported.

In further support of the loss of this open space, there is a local park across Barr's Brae, accessible open countryside immediately to the south and west and a footpath/cycle route to the north. With this provision, the loss of application site as open space would not, I consider, unacceptably impact upon the balance between developed land and open space in this locality.

In summary, given the poor quality of the open space comprising the application site, its inaccessible nature and the surplus open space provision for the Dougliehill housing development I consider there is a justification for departing from Local Plan policy LR1.

The site is also covered by Local Plan Policy H1 which seeks to safeguard and, where practical, enhance residential amenity and character. The best measure of whether or not the proposal satisfies this aim is to assess it against policy H8. Policy H8 advises that proposals for residential development that are acceptable in terms of the Development Strategy of the Local Plan will still be required to satisfy a range of development control criteria. The relevant criteria to the application in principle are:-

(a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used. Given the residential character of this part of Port Glasgow, I am satisfied the proposed land use is appropriate. While the application is in principle, the indicative layout submitted serves to demonstrate that a density compatible with that adjoining can be achieved. Houses can be positioned to accommodate gardens of a minimum depth of 9 metres at the rear and 5 metres at the front, and will site below the level of the houses on Dougliehill Terrace. The houses at Roseyard Place are separated by the cycle path and trees outwith the application site. Design and materials are matters to be considered at reserved matters stage.

(d) open space proposals. My favourable assessment against policy LR1 satisfactorily addresses the issue of impact upon existing open space provision at Dougliehill. However, further consideration requires to be given to PPAN3 "Private & Public Open Space in New Residential Developments". The PPAN advises that for small scale infill developments new development should accord with the established pattern and density of development in the immediate vicinity. The indicative layout submitted with the application serves to demonstrate that the proposed house plots are larger than those adjoining to the south west. Overall, I consider the indicative layout to demonstrate that the site can be developed without harm to the established pattern and density in the area. Scrub tree cover across the site is not afforded any protection.

(e) assessment against the Council's Roads Development Guidelines 1985 with regard to road design, parking and traffic safety. There are no objections from the Head of Environmental & Commercial Services on road safety grounds.

Overall, I am therefore satisfied that while the proposed development contravenes policy LR1, compliance with policies H8, H11, DC1 determine that the application is acceptable with reference to the Local Plan. It rests therefore to consider other material considerations raised by objectors.

While I note concern over traffic noise, impact road safety on Barr's Brae and Moray Road with particular reference to site visibility splays the Head of Environmental & Commercial Services offers no objections on roads grounds. He also offers no objections in relation to drainage and surface water, with flooding issues being considered as part of a detailed development plan to be the subject of a further application. Ground stability and landslip issues are considered at Building Warrant stage. The relationship between the cycle path and the site if developed will be similar to

many stretches of the path and does not justify refusal. Issues over Japanese Knotweed can be satisfactorily controlled by condition. The site does not merit special protection in terms of wildlife and tree cover.

## **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. In the case of matters specified by conditions application for approval must be made before:
  - a. the expiration of 3 years from the date of the grant of planning permission in principle; or
  - b. the expiration of 6 months from the date on which an earlier application for such approval was refused; or
  - c. the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest; and provided only one such application may be made in the case after the expiration of the three year period mentioned in the sub paragraph (a) above.
3. That the development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission or within 2 years from the final approval of matters specified by conditions, whichever is the later.
4. No development shall commence until a detailed Flood Risk Assessment has been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed in accordance with the approved Flood Risk Assessment.
5. 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.
6. 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.
7. 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 is not 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.

8. 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.
9. 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.

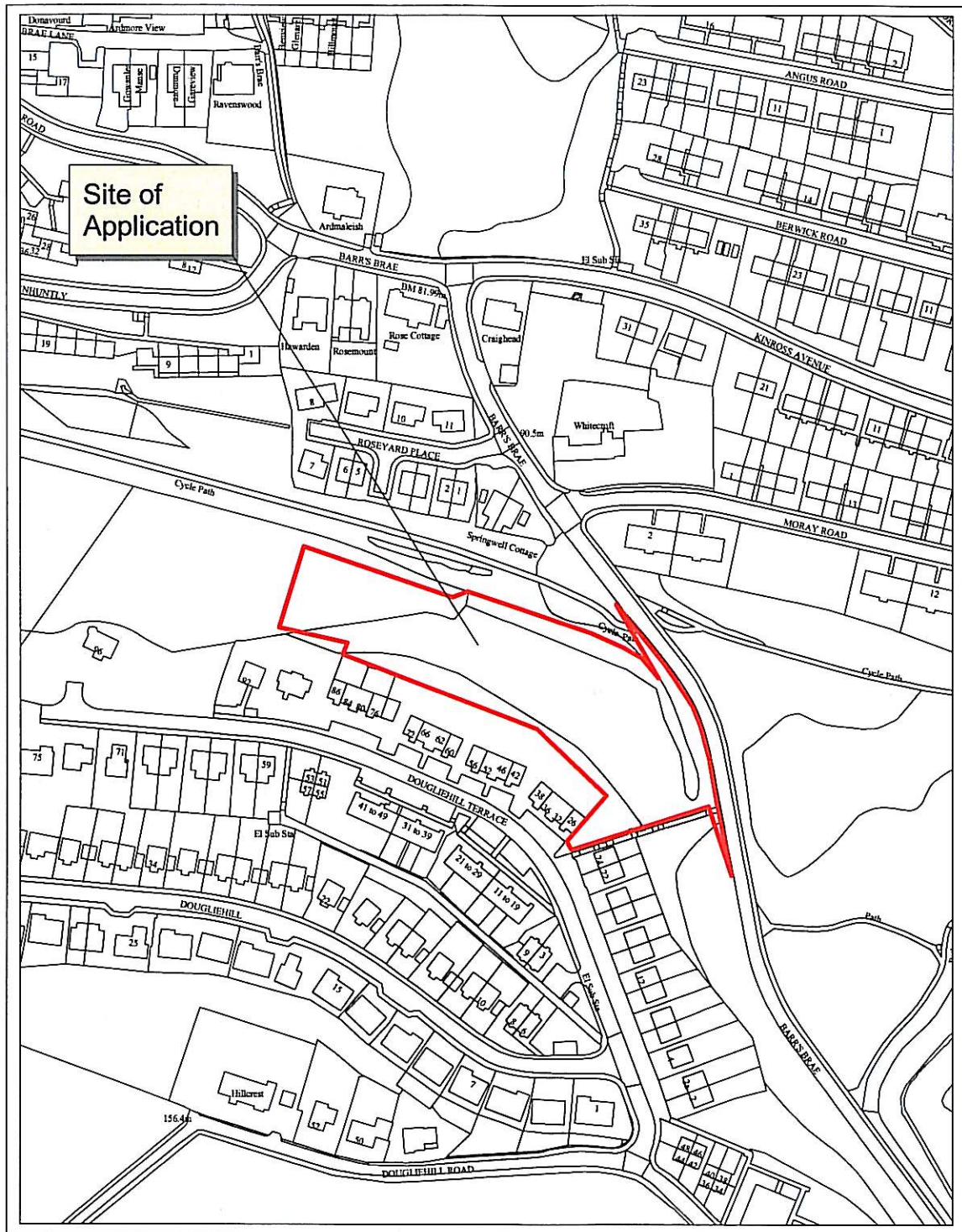
#### Reasons

- 1-3. To comply with Section 59 of the Town and Country Planning (Scotland) Act 1997.
4. To prevent harm from flooding.
5. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
6. To satisfactorily address potential contamination issues in the interests of environmental safety.
7. To provide verification that remediation has been carried out to the Authority's satisfaction
8. To ensure that all contamination issues are recorded and dealt with appropriately.
9. 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. Consultation responses
5. Written representations Planning applications 11/0074/IC, IC/97/349 and IC/80/398



Drawing No. 11/0169/IC Barr's Brae, Port Glasgow.

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