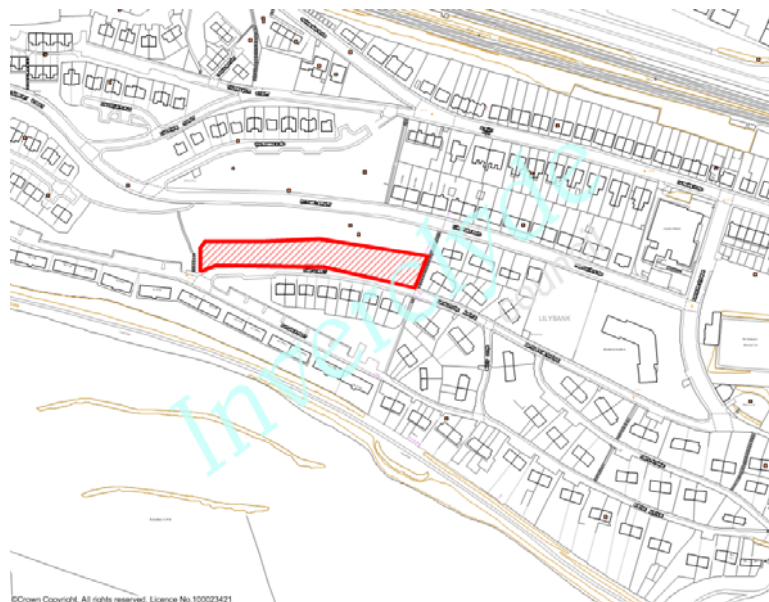


Report To:	The Planning Board	Date:	5th September 2012
Report By:	Head of Regeneration and Planning	Report No:	12/0179/IC Plan 09/12
			Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Increase in height of retention wall to rear of plots 76-93 (amendment to planning permission IC/05/287), partly in retrospect at East Street, Plots 76-93, Gibshill, Greenock		

SITE DESCRIPTION

Plots 76-93 on East Street form part of the Persimmon Gibshill Neighbourhood Renewal site. They are located at the eastern end of the development fronting new housing, also part of the Persimmon development, and backing onto steeply sloping ground on the south side of Mitchell Street. Housing on the south side of Mitchell Street is set back approximately 38 metres from the rear of the new house plots.



PROPOSAL

Planning permission is sought, partly in retrospect, for an increase in the height and a change to the design of the previously approved cribblock retaining wall at the rear of the plots. The approved plans granted under planning permission IC/05/287 allowed for the construction of a cribblock retaining wall to support the rear gardens of the plots. The levels difference between the rear gardens and the open space below mainly arose from the dwellinghouses having to be constructed to accord with the requirements for disabled access. Although the rear gardens are sloped, they have to be usable and it is not possible to deal with the levels differences within the gardens alone.

Development of the site was based on a final engineering survey which differed from that for the original planning permission. In building, the result is that garden levels are higher than was originally proposed. The height of the wall varies along its length and is determined by the levels differences between the rear gardens and the open space below. By way of example, at plot 93 the wall is 4.35 metres high (an increase from that previously approved of 0.95 metres). At plot 85 the height is 3.65 metres (an increase of 0.85 metres). Furthermore, the wall along these plots was to be built in two sections: from plot 76-84, and from plot 85-93. It is now proposed that a continuous wall be built. Construction has been ongoing, hence the application is partly in retrospect.

In a supporting statement the applicant has acknowledged that although information was provided with the original application it did not fully take account of the constraints of the site and the requirements of other legislation.

Once constructed the wall is to be planted out with creeping ivy which will ultimately colonise the face of the wall and soften its appearance. Furthermore, the open space between it and Mitchell Street is also to be the subject of a planting scheme which will further soften the appearance of the wall. There is an approved landscaping scheme but work on implementing it has been suspended pending the outcome of this application.

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 H3 - Support for Designated Renewal Areas

Inverclyde Council will support, in principle, residential and community development in Inverclyde's Social Inclusion Partnership (SIP) areas, and other designated renewal areas, in particular the "New Neighbourhoods", identified on the Proposals Map, where the proposals support the Council's corporate and agreed partnership priorities and satisfy other relevant policies of the Local Plan.

CONSULTATIONS

No consultations were required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

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

PUBLIC PARTICIPATION

The application was subject to neighbour notification. 8 objections have been received. The points of objection may be summarised as follows:

- 1) The wall is unsightly.
- 2) The drainage is poor with sewerage and rain causing flooding on the footpath next to the showhome and on Mitchell Street.
- 3) The area next to the crib wall is overgrown.
- 4) Loss of privacy.
- 5) Loss of sunlight/overshadowing.
- 6) Loss of daylight to houses on Mitchell Street.
- 7) Concerns over stability of the wall and the hill.
- 8) Loss of view.
- 9) Loss of property value.
- 10) Children are climbing the wall and using it as a platform to launch rocks and stones down onto Mitchell Street damaging cars.
- 11) Wind damage to existing properties on Mitchell Street as a result of the wall "channelling" the wind.
- 12) The houses overlook adjacent properties.

ASSESSMENT

As planning permission has already been granted for a criblock retaining wall at this location, it only remains to be considered whether or not the increases in height and design alterations to the wall are acceptable. Visual amenity related to the impact on the streetscape and on neighbouring residents is the key criteria in this respect.

The increased height means that the wall will have a greater visual impact than that previously approved. The key visual receptors are the residents of Mitchell Street to the north and Broadstone Avenue to the east. The criblock wall, as built, is a substantial engineering structure and, prior to being colonised by ivy and the implementation of the approved landscaping scheme on the open space between it and Mitchell Street, was always going to have a prominent appearance. The increased height of the structure, approximately 1 metre higher in places, has further emphasised this. It has to be taken into consideration, however, that this is not the finalised appearance of the structure, nor will it be as fully visible as at present once the landscaping scheme has been implemented and allowed to mature. My assessment of the visual impact of the increased height of the wall is considered in the context of its final appearance rather than its current interim form.

The houses on Mitchell Street are at least 38 metres distant from the wall. It is my judgement that this distance lessens the significance of the increased height to the extent that refusal of the application is not merited. The closest residential properties, and therefore those subject to the greatest visual impact, are adjacent to the site at 30 and 32 Broadstone Avenue. In assessing the impact of the increased height of the wall the first consideration is that the key views from these houses are directed out of the habitable room windows northwards and southwards. The wall is not within the main field of view from these windows. It is, however, visible when viewed from the rear garden looking west. Compared to the approved plans, part of the rear garden of plot 93 is approximately 1 metre higher and so, consequently, is the cribblock retaining wall.

In reaching a conclusion on the impact of this increased height on these residents I am influenced by several factors. The residents view the wall when using their gardens, but they do not view the wall in its entirety: there is a hedge up to approximately 1.8 metres in height along their boundary which screens the lower part of the wall and softens its impact. Whilst I acknowledge the stark appearance of the wall at this time, it is to be planted with creeping ivy which, in time, will soften its visual impact. In view of these factors and although I acknowledge that the increased height of the wall will have a greater visual impact on the adjacent residents' rear gardens, the magnitude of the impact is not such that I would recommend planning permission be refused.



Assessing the impact of the wall on the residents of Mitchell Street, I consider that its greater height merits a reconsideration of the approved landscaping scheme. I am satisfied that the proposed planting should be reinforced to ensure that screening of the wall by ground based planting and the ivy has more immediate impact. A condition should therefore be attached specifying the use of semi-mature tree planting and ivy planting on the wall, together with the necessary maintenance regime to ensure the survival of this planting. Securing this improved planting specification is critical to the acceptability of the constructed wall and it is important that an appropriate bond be in place to ensure the planting is provided. There is a landscape bond already in place in respect of planting across the wider site and with planting having been carried out as the development has proceeded there has been no need to claim against the bond. I am satisfied that its value will cover the additional planting now required. The developer will be required to agree an alteration to the bond to include reference to this application and planning permission should not be issued until this is addressed. The applicant has indicated agreement in principle to do this.

Overall, I conclude that although the raised height of the wall increases the visual impact, the magnitude of the increase is not such that there are sufficient grounds for refusal of planning permission. This conclusion is reached within the context of the landscaping works still to be carried out which can be secured by the use of conditions.

It remains to be considered whether or not there are other material considerations which suggest that planning permission should not be granted. With respect to those issues not already addressed, the increased height of the wall would not increase drainage or run-off. The issue of run-off and flooding is being addressed with the applicant under the terms of the original application. The recent lack of landscape maintenance is being similarly addressed. Impacts on privacy were considered as part of the original planning application. The retaining wall is topped by a screen fence. I am satisfied that the increased height of the wall (and the associated garden ground) does not impact on privacy to the extent that planning permission should be refused.

The effect of the increased height of the wall on sunlight received by the neighbouring rear garden at 30/32 Broadstone Avenue has to be considered within the context of the objectors' own dwellings and the effect of the dwellinghouse on plot 93. Together, these dwellings cause

the greatest loss of direct sunlight and cast shadows across the rear garden. The wall only casts a shadow over a very limited area of part of the rear garden furthest from the house and only during the last few hours either side of mid-summer. I do not consider the additional loss of direct sunlight caused by the increase in the height of the wall to be of such significance that refusal of the application would be justified. The loss of daylight to dwellings on Mitchell Street is negligible. The minimum vertical sky component for adequate daylight to be received by residential property is 27%. The maximum that can be achieved anywhere is 40%. The closest house to the development in Mitchell Street achieves 35%.

Issues of wall construction and stability have been assessed as part of the building warrant process. The loss of a view, the effect of development on property values, allegations of childrens' behaviour and possible damage to properties by wind movements affected by the wall are not material planning considerations. Concern regarding overlooking from the new houses is not relevant to determination of the application.

There are no other planning considerations material to determination of this application and notwithstanding that the application is partly in retrospect, planning permission should be granted.

RECOMMENDATION

That following alteration to the landscape bond currently in place for this site to include reference to this application, planning permission be granted subject to conditions.

Conditions

1. That within 28 days of the date of this planning permission a landscaping scheme shall be submitted to and approved in writing by the Planning Authority for the area of ground between plots 76 to 93 and Mitchell Street and the narrow verge area to the east of plot 93. This shall include details of the planting of creeping ivy to the top, bottom and within the criblock wall, drainage details and arrangements for its management and maintenance. For the avoidance of doubt this shall include semi-mature tree planting.
2. That the landscaping scheme approved in terms of condition 1 above shall be implemented in full before the end of March 2013.
3. That any areas of the landscaping approved in terms of condition 1 above that are removed, become damaged, diseased or die within 5 years of planting shall be replaced within the following year with others of a similar size and species unless otherwise agreed in writing with the Planning Authority.

Reasons

1. To allow for assessment of the visual impact of the proposed landscaping.
2. To ensure provision of the approved landscaping scheme in the interests of visual amenity.
3. To ensure the long term retention of the planting scheme in the interests of visual amenity.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans.
2. Applicant's supporting statement.
3. Letters of representation.



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