

Report To: The Planning Board

Date: 3 April 2013

Report By: Head of Regeneration and Planning

**Report No: 13/0044/IC
PLAN04/13**

**Local Application
Development**

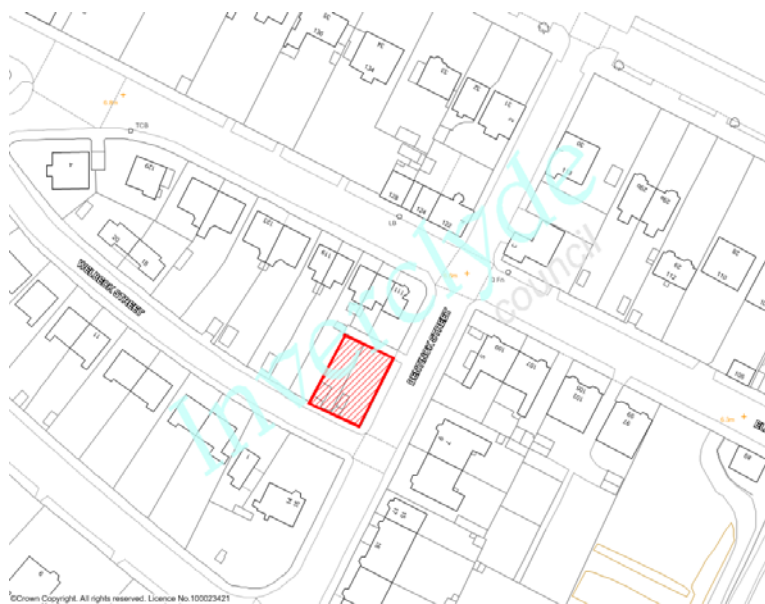
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Subject: Erection of detached dwellinghouse on the corner of Bentinck Street and Welbeck Street together with the formation of new off street parking spaces for 111 and 113 Eldon Street at 111 - 113 Eldon Street, Greenock

SITE DESCRIPTION

111 and 113 are two of a terrace of 3 houses on Eldon Street. An unusual arrangement exists where an access from Bentinck Street to a garage for the end terraced house (no. 115) divides the rear gardens of 111 and 113 Eldon Street. The application site is the rear section of garden south of the access lane. It has frontages onto Bentinck Street and Welbeck Street, is surrounded by housing and is located within the Greenock West End Conservation Area. The plot extends to approximately 390 square metres.



PROPOSAL

It is proposed to erect a new 4 bedroom house, approximately 8.5 metres high and with a footprint of approximately 120 square metres. External materials will comprise a white render, an imitation slate roof tile and uPVC windows with a stepped profile. The house has a double aspect frontage to

both Bentinck Street and Welbeck Street. The boundary of the plot will be formed with an 1800 mm high timber fence.

A new off street parking space for 113 Eldon Street will be formed adjacent to the new dwelling fronting Bentinck Street. Parking for 111 Eldon Street will be located within the remaining rear garden of this property also fronting Bentinck Street. The existing lane providing access to the garage for no. 115 remains unaffected.

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 H14 - Proposals for the Sub-Division of Dwelling Plots

Proposals for residential development within the curtilage of an existing developed plot will be acceptable only where they:

- (a) provide a safe and convenient means of access for the vehicles and pedestrians of both the existing and proposed dwelling in accordance with the Council's Roads Development Guidelines 1995; and
- (b) do not conflict with the established character and development pattern of an area with particular regard to garden ground, scale and position of buildings and spacing between buildings.

Local Plan Policy HR1 - Designated Environmental Resources and Built Heritage

Development that would adversely affect, directly or indirectly, the natural or built heritage resources listed in Schedule 9.1 and where indicated, on the Proposals Map, will not normally be permitted.

Having regard to the designation of the environmental resource and built heritage, exceptions will only be made where:

- (a) Sites of Special Scientific Interest (SSSI) will not be compromised;

- (b) visual amenity and townscape will not be compromised;
- (c) no other site, identified in the Local Plan as suitable, is available;
- (d) the social and economic benefits of the scheme outweigh the total or partial loss of the environmental resource;
- (e) the developer has demonstrated that the impact of the development on the environment will be minimised; and
- (f) the loss can be compensated by habitat creation/site enhancement elsewhere, and where there are satisfactory arrangements to achieve this.

Local Plan Policy HR11 - Development Within and Adjacent to Conservation Areas

Development proposals both within and adjacent to conservation areas will be acceptable where they are sympathetic to the existing character, pattern of development and appearance of the area and the following matters are satisfactorily addressed, as appropriate:

- (a) siting and orientation of new buildings;
- (b) overall design and style;
- (c) scale of building, extension or alteration;
- (d) design details;
- (e) finishing materials; and
- (f) landscaping and boundary materials.

Local Plan Policy HR12 - Impact of Development Within Conservation Areas

When assessing Conservation Area development proposals (both within and adjacent to it) consideration will be given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and vantage points accessible to the public.

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. The maximum driveway gradient should not exceed 10% and all surface water should be intercepted within the site.

Head of Safer and Inclusive Communities – No objections but conditions relating to contaminated land and Japanese Knotweed are recommended.

Scottish Water – No objections.

PUBLICITY

The application was advertised in the Greenock Telegraph as development affecting a conservation area.

SITE NOTICES

A site notice was posted for a development affecting a conservation area.

PUBLIC PARTICIPATION

The application was subject of neighbour notification. Twenty two objections have been received.

The concerns raised can be summarised as follows:

1. The design and materials of the new property are inappropriate for the conservation area.
2. The new plot and resulting plot of the donor houses will be too small.
3. The new house is too large for the plot.
4. The development does not respect the existing pattern of development.
5. Overdevelopment may occur.
6. Sunlight to neighbouring property will be reduced.
7. Trees and shrubs within the existing garden will require to be removed.
8. The new house will lead to a loss of privacy to neighbouring property.
9. An increase in parking may occur in an area which is already very congested and existing on street parking will be lost.
10. No traffic impact assessment has been submitted.
11. Further bedrooms not shown on the drawings may be formed in the attic.
12. The existing tree on the public road may be damaged by the development.
13. The existing tree on the public road is misrepresented in the submission.
14. The development is contrary to the Inverclyde Local Plan.
15. There is an abundance of houses for sale in the local area.
16. The development is within the Green Belt.
17. Wildlife, including bats, will be affected.
18. Water pressure may be affected and sewers may block.
19. Flooding may occur.
20. Loss of open space would occur.
21. Disruption during construction may occur.
22. Previous similar planning applications have been refused.
23. A precedent would be created for further similar development.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the determination of this planning application are the Inverclyde Local Plan, the Council's Planning Practice Advice Note (PPAN) 2 on Single Plot Residential Development, the Scottish Historic Environment Policy (SHEP), Scottish Government Planning Advice Note (PAN) 71 Conservation Area Management, the impact on the existing streetscape and wider conservation area, the impact on residential amenity, the consultation responses and the objections received.

Considering the sub-division of the plot, Policy H14 of the Local Plan sets out the criteria for the assessment of such proposals. PPAN 2 also identifies the criteria for assessment of proposals for single house plots. Whilst the predominant building pattern within the area features properties on Eldon Street with rear gardens extending to Welbeck Street, and properties on Welbeck Street with rear gardens extending to Octavia Terrace, there are numerous examples of properties built within corner plots and at/adjacent to road junctions, including the nearby junction of Eldon Street and Bentinck Street and extending along Welbeck Street from the junction with Eldon Place. The small front garden is typical of those in the vicinity and suitable private rear garden ground is provided. Overall, this proposal therefore accords with the existing pattern of development. Furthermore, I am satisfied that the resulting plots of the donor houses, although small, are similar to others nearby. I am satisfied that this plot in both size and location is typical of numerous others in this part of the conservation area. The principle of the subdivision of the plot is therefore acceptable in terms of policy H14 and PPAN 2.

Considering design, Policies HR11 and HR12 provide criteria for the assessment of development proposals within conservation areas. Proposals are encouraged where they are sympathetic to the existing character, pattern of development and appearance of the area and when assessing conservation area development proposals, consideration should be given to the impact they will have on the wider landscape, especially when viewed from adjacent transport routes and vantage points accessible to the public. PPAN 2 advises that on single plots, development should follow the scale, design and detailing of existing buildings. The SHEP seeks to ensure that the historic environment, including designated Conservation Areas, is preserved and enhanced. PAN 71 advises that physical change in conservation areas does not necessarily need to replicate its surroundings. The challenge is to ensure that all new development respects, enhances and has a positive impact on the area.

The proposed new dwelling with an L shaped footprint and entrance on the corner of Bentinck Street and Welbeck Street provides a strong frontage to both streets. The scale and massing of the building accords with the established pattern of development on Bentinck Street and the detailing and vertical emphasis of the building responds to the locality. Whilst adjacent buildings in Bentinck Street are finished in sandstone, a variety of materials are found within the area including rendered finishes, and the use of white render on the proposed house is appropriate in this context. A mock slate tile is also proposed and the requirement to submit a material sample by way of a condition can ensure that the tile is appropriate and creates the appearance of a traditional slate roof. Overall, I am satisfied that the new dwelling proposed takes cognisance of design themes, proportions and materials found in this section of the Conservation Area, the character and appearance of which will be preserved.



Considering boundary treatment, I am concerned that the use of an 1800 mm high timber fence, particularly to the Bentinck Street and Welbeck Street frontage is inappropriate for the Conservation Area location. The boundary treatment to Bentinck Street and Welbeck Street should take the form of a lower wall finished to match the new dwelling. This requirement can be met by way of a planning condition.

Moving on to parking, the new off street spaces created for 111 and 113 Eldon Street, including the new opening in the boundary wall to 111 Eldon Street will be visually acceptable. The requirement to submit samples of the finishing material to the driveway will ensure that the material is appropriate for the Conservation Area.

The window to window relationship with the new dwelling and existing properties at 111 and 113 Eldon Street meets the minimum standard of 18 metres. The window to window distance with the properties across Bentinck Street is approximately 25 metres. The property across Welbeck Street is further distant. The positioning of the building would have an acceptable impact on the daylight to

neighbouring property and any small loss of evening sunlight to neighbouring property at 7 and 9 Bentinck Street would be within acceptable limits when assessed with reference to the indicators set out by the BRE Trust.

The Head of Environmental and Commercial Services is satisfied with the access and parking arrangements of the new house and the compensatory parking spaces proposed for 111 and 113 Eldon Street. As the proposal will not generate a significant increase in traffic, a traffic assessment is not appropriate. The Head of Environmental and Commercial Services does not require a flood risk assessment to be submitted and the requirement to ensure all surface water is intercepted within the site can be met by way of a condition. The Head of Safer and Inclusive Communities offers no objections but conditions relating to contaminated land and Japanese Knotweed are recommended for any approval.

In the objections received, the refusal of previous similar planning applications in the vicinity is raised. There have been no recent applications of a similar nature for neighbouring properties on Eldon Street however a house plot to the rear of 14/16 Bentinck Street, fronting Octavia Terrace was refused planning permission in 1991 due to the potentially unacceptable impact on the amenity of neighbouring residents and for failing to respect the established character of the Conservation Area. A previous planning application for the erection of a house within the rear garden of 111 Eldon Street was withdrawn by the applicant prior to determination and, as such, no decision was made on the application. I note concerns that granting permission in this case would create a precedent for future development on Welbeck Street. This is a unique corner plot and this approval would not set a precedent for other sites. Any future planning applications submitted will be considered on their own merit.

Concern is also raised with regard to the proximity of the tree on Bentinck Street adjacent to the application site, and the potential for the roots being damaged during any works on site. Trees at this location are afforded protection by the Conservation Area status and therefore consideration must be given as to whether any undue damage would be likely to occur. The proposed new house is not located directly under the canopy of the tree. Furthermore, the tree appears to have been historically pollarded which will have inhibited root spread. The key roots of the tree will be close to the base of the trunk and will be largely under the road and footpath. Any roots which do encroach towards the application site would be minor fibrous roots. As the main roots would not be damaged by the development, the tree should not suffer any damage. The positioning of the tree does not impact on the proposed driveway and the use of the new driveway would have no greater impact on the tree than existing passing traffic. Whilst I note concern that the tree is not properly represented on the drawings submitted, it is drawn to be indicative only, with the type, maturity and positioning of the tree to be established during a site visit to inform the assessment of the application.

Assessing the outstanding points included within the objections received, the existing ornamental trees and shrubs within the garden are typical of that found in any domestic garden and their removal alone would not impact on the character and appearance of the Conservation Area or local wildlife. There is no suitable habitat for bats within the development site. Scottish Water offer no objections on the grounds of water supply or sewerage. Any perceived short term disruption during construction would not warrant the refusal of the application. The number of houses currently for sale locally has no bearing on the assessment of this application. The site is located within an existing residential area and is not classed as Green Belt.

In conclusion, I am satisfied that the proposed development respects the established pattern of development within the Conservation Area in terms of location, plot size, plot layout, design and materials. The proposal presents no conflict with policies H1, H8, H14, HR1, HR11 and HR12 of the Inverclyde Local Plan, PPAN 2 on Single Plot Residential Development, the aims of the SHEP which seeks to preserve the historic environment and PAN 71 which seeks to manage change in conservation areas.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. Prior to the commencement of work on site, samples of all external finishes inclusive of the surfacing of areas of hardstanding, shall be submitted to and approved in writing by the Planning Authority. Development shall then proceed utilising the approved materials unless an alternative is agreed in writing by the Planning Authority.
2. Prior to the commencement of work on site, details of all boundary treatments together with samples of all finishing materials shall be submitted to and approved in writing by the Planning Authority. Development shall then proceed as approved unless an alternative is agreed in writing by the Planning Authority. For the avoidance of doubt, the boundary treatment to Bentinck Street and Welbeck Street shall take the form of a wall, no greater than 1 metre in height and finished to match the new dwelling.
3. The proposed new off street parking spaces for 111 and 113 Eldon Street shall be created and be available for the use by these properties to the satisfaction of the Planning Authority prior to the commencement of works to erect the new dwellinghouse hereby permitted.
4. The driveway for the new dwellinghouse hereby permitted shall be completed and be available for use to the satisfaction of the Planning Authority prior to the occupation of the new dwellinghouse.
5. The maximum driveway gradient shall not exceed 10%.
6. All surface water run off shall be intercepted on site.
7. 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.
8. That the presence of any previously unrecorded contamination or unexpected ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority within one week. Consequential requirements for remediation works shall not be implemented unless a strategy report has been submitted to and approved, in writing by the Planning Authority.
9. That no fill or landscaping material shall be imported onto the site until written details of the source and intended reuse of the imported materials has been submitted for approval, in writing by the Planning Authority. The report shall characterise the chemical quality (including soil-leachate and organic content etc), volume and source of the imported materials with corresponding cross-sections and plans indicating spatial distribution and depth/thickness of material placement within the development site. The material from the source agreed only shall be imported in strict accordance with these agreed details.

Reasons:

1. To ensure the external materials are appropriate for the existing streetscape in this part of the Greenock West End Conservation Area.
2. To ensure appropriate boundary treatment.

3. To ensure off street parking is available for these properties in the interest of road safety.
4. To ensure that an appropriate driveway is completed and to prevent overspill parking, in the interest of road safety.
5. To ensure a usable driveway, in the interest of road safety.
6. To ensure surface water does not encroach onto the public road, in the interests of road safety.
7. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
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 forms
2. Application plans
3. Inverclyde Local Plan
4. PPAN 2
5. Scottish Historic Environment Policy
6. Scottish Government Planning Advice Note 71 (Conservation Area Management)
7. Consultation responses
8. Objections received



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