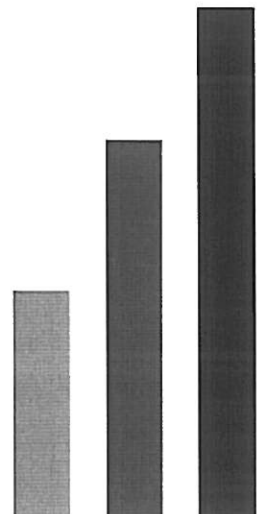


# Agenda 2013

# Planning Board

For meeting on:

3	April	2013
---	-------	------



**A meeting of the Planning Board will be held on Wednesday 3 April 2013 at 3 pm within the Municipal Buildings, Greenock.**

ELAINE PATERSON  
Head of Legal and Democratic Services

**BUSINESS**

1. **Apologies, Substitutions and Declarations of Interest**
2. **Planning Applications**  
Reports by Head of Regeneration & Planning on applications for planning permission as follows:-
  - (a) **A McWaters**  
Erection of detached dwellinghouse on the corner of Bentinck Street and Wellbeck Street together with the formation of new off street parking spaces for 111 and 113 Eldon Street:  
111-113 Eldon Street, Greenock (13/0044/IC)
  - (b) **BT Openreach**  
Installation of a telecommunications cabinet (for underground equipment):  
Bentinck Street (adjacent to 111 Eldon Street), Greenock (13/0017/IC)
  - (c) **Mr E Reimann**  
Erection of 2 flatted dwellings:  
Corner of Finnart Street and Fox Street, Greenock (11/0231/IC)
3. **Advertisement Application**  
Report by Head of Regeneration & Planning on application for advertisement consent by Greenock Arts Guild Limited for the application of 2 sets of vinyl lettering to building at The Beacon – Custom House Quay, Open Shore, Greenock (13/0003/CA)

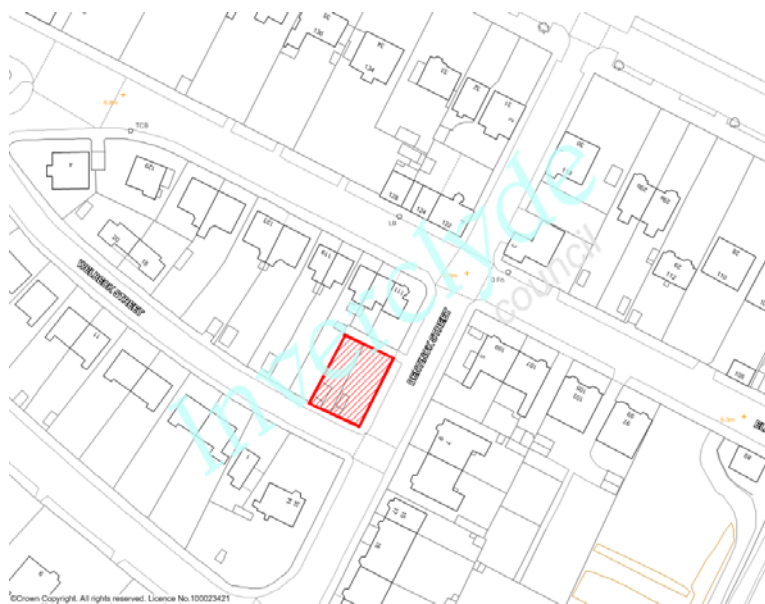
Enquiries to - **Rona McGhee** - Tel 01475 712113

---

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3 April 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0044/IC PLAN04/13</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>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</b>		

## **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



Crown Copyright. All rights reserved  
(1000023421) 2010

Ordnance Survey maps, and maps created from Ordnance Survey material are subject to Crown copyright. Information on Ordnance Survey map licensing can be found on their website <http://www.ordnancesurvey.co.uk/oswebsite>

---

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3 April 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0017/IC PLAN04/13</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Installation of a telecommunications cabinet (for underground equipment) at Bentinck Street (adjacent to 111 Eldon Street), Greenock</b>		

## SITE DESCRIPTION

The application relates to a section of the public footpath on Bentinck Street, Greenock, adjacent to 111 Eldon Street. The site lies within the Greenock West End Conservation Area.



## PROPOSAL

It is proposed to site a cabinet in connection with underground telecommunications cabling to the rear of the public footpath. The proposed cabinet is 1408 mm in height, 750 mm in width and 407mm in depth. Externally, it is finished in green powder coated steel.

This application is one in a series of similar proposals as part of a scheme to facilitate the provision of super fast broadband to homes in the local area. Cabinets outwith the Conservation Area are permitted development.

## **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 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.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** - No objections.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 1st March 2013 as a development affecting a conservation area.

## **SITE NOTICES**

A site notice was posted on 1st March 2013 for development affecting a conservation area.

## **PUBLIC PARTICIPATION**

The application was subject of neighbour notification and a press advertisement. No representations have been received.

## **ASSESSMENT**

The material considerations in the assessment of this application are the Inverclyde Local Plan, The Scottish Historic Environment Policy (SHEP), Scottish Government Planning Advice Note (PAN) 71 Conservation Area Management, the impact on the appearance of the Conservation Area and the consultation response.

Inverclyde Local Plan 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. 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.



The SHEP seeks to preserve the historic environment and PAN 71 requires development to be carefully managed to ensure the character and appearance of the Conservation Area is safeguarded and enhanced.

The proposed development forms part of a series of installations to improve the existing broadband service. The proposed cabinet has a functional appearance and the positioning within the street would not impact on the appearance of adjacent buildings. The overall scale of the proposed cabinet is relatively small and the green colour is appropriate and consistent with the colouring of existing street cabinets. The development is therefore considered to have an acceptable impact on the streetscape and Conservation Area and to have a neutral impact on the established residential

amenity. Whilst located on the public footpath, the Head of Environmental and Commercial Services offers no objections to the proposal on the grounds of road or pedestrian safety.

In conclusion, I consider the proposal presents no conflict with policies HR1, HR11, HR12 and H1 of the Inverclyde Local Plan, the aims of the SHEP which seeks to preserve the integrity of the historic environment or PPAN 71 which seeks to manage change in conservation areas.

## **RECOMMENDATION**

That the application be granted subject to conditions:

### Conditions

1. That if the cabinet hereby permitted becomes redundant or obsolete at any time in the future, it shall be removed and the site restored to the satisfaction of the Planning Authority within 2 months of the date at which the cabinet becomes redundant or obsolete.
2. No symbols, signs, letters or logos shall be displayed on any part of the cabinet. Details of small signage necessary for operational reasons must be submitted to and approved by the Planning Authority prior to display.

### Reasons

1. To ensure the removal of redundant or obsolete equipment in an appropriate timescale, in the interests of the visual appearance of the Greenock West End Conservation Area.
2. To minimise visual intrusion within the Greenock West End Conservation Area.

Stuart Jamieson  
Head of Regeneration and Planning

## **BACKGROUND PAPERS**

1. Application Form
2. Application Plans
3. Inverclyde Local Plan
4. Scottish Government Planning Advice Note 71 (Conservation Area Management)
5. The Scottish Historic Environment Policy
6. Consultation Response



Crown Copyright. All rights reserved  
(1000023421) 2010

Ordnance Survey maps, and maps created from Ordnance Survey material are subject to Crown copyright. Information on Ordnance Survey map licensing can be found on their website <http://www.ordnancesurvey.co.uk/oswebsite>

---

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3 April 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>11/0231/IC PLAN04/13</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>James McColl</b>	<b>Contact No:</b>	<b>01475 712462</b>
<b>Subject:</b>	<b>Erection of two flatted dwellings at Corner of Finnart Street and Fox Street, Greenock</b>		

## SITE DESCRIPTION

The application site, currently vacant and overgrown, is located on the corner of Finnart Street and Fox Street, Greenock. The Jardine Burn currently flows through the site, entering and exiting the site via a culvert. Residential properties lie adjacent and directly across Finnart and Fox Streets. A play park is directly south of the site on Fox Street. The site is located within the Greenock West End Conservation Area.



## PROPOSAL

It is proposed to erect a new building accommodating two flats each over two floors. The lower flat is proposed on the basement and ground floors, with the upper flat at first floor and attic levels. The new building, which is 11.5 metres high at the tallest point, has a footprint of approximately 160 square metres. External materials comprise of cream render walls, a slate roof and white uPVC windows. The entrance will be from Fox Street and off street parking for 6 cars will be formed.

## **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 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 UT4 - Reducing Flood Risk

Inverclyde Council will seek to reduce the risk of the flooding of non-agricultural areas by resisting development on functional flood plains. Where development is proposed for an area considered to be at risk from flooding, the Council will:

- (a) require the preparation of a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA);
- (b) seek the incorporation of flood prevention measures able to cope with, as a minimum, a 1 in 200 year rainfall event, depending on the type of development proposed, taking into consideration predicted climate change and sea level changes in the period to 2050, or justification as to why this standard of protection is not required;
- (c) consult with SEPA where development is likely to result in a material increase in the number of buildings at risk from flooding; and
- (d) require Clyde waterfront and coastal development to be protected against coastal flooding to a level of 5 metres above the ordnance datum.

Flood prevention measures and sea defences should not increase the risk of flooding elsewhere or have an adverse impact on the natural or built environment. For planning permission to be granted, the Council will require agreement to be reached in respect of the continual maintenance of flood prevention infrastructure and sea defences associated with the proposed development

## CONSULTATIONS

**Head of Environmental and Commercial Services** - No objections on road safety or parking grounds. The flood risk assessment and works to the Jardine Burn are acceptable subject to conditions requiring the submission for approval of a maintenance scheme for the burn, culvert and culvert grill.

**Head of Safer and Inclusive Communities** - No objections but conditions relating to contaminated land, Japanese Knotweed and sound insulation (due to the position adjacent to the electricity sub-station) are recommended.

**Scottish Environment Protection Agency** – No objection.

## PUBLICITY

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

## SITE NOTICES

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

## PUBLIC PARTICIPATION

The application was subject of neighbour notification. Seven objections were received.

The concerns raised can be summarised as follows:

- The new building is out of keeping and not appropriate for the conservation area location.
- The new vehicular entrance to Fox Street will prejudice road and pedestrian safety.
- On street parking may increase.
- Existing residents on Fox Street will be unable to park their cars outside their houses.
- Proper flow reading for the Jardine Burn is required.
- The building could be converted into four flats in the future.
- The existing trees on the site enhance the area and these will be removed.

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.

Policy H8 of the Local Plan provides the main assessment criteria for new residential development. 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. 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. 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.



This part of the Conservation Area features a variety of building designs including tenement flats, Victorian villas and detached bungalows. The primary external materials are sandstone and render. The detailing and materials of the new building seeks to reflect traditional architecture with a vertical emphasis to the design, window banding and sandstone detailing and the use of cream render and a slate roof. Contextual drawings submitted indicate that despite being 4 storeys and 11.5 metres high and due to the site being below street level, the building will not be as dominant as the adjacent sandstone villa. This accords with the general pattern of development which sees roof heights reducing along Finnart Street from the tenement flats to the bungalow on the opposite corner of Finnart Street and Fox Street. It is also proposed to retain the existing brick wall to Finnart Street and Fox Street. I consider that the windows within the proposed building should replicate a

sash and case appearance due to the building design and conservation area location and this requirement can be met by way of planning condition. Overall, I am satisfied that the new building is appropriate in terms of design themes, proportions and materials, and that the character and appearance of the Conservation Area will be preserved.

Trees are an important feature of the Conservation Area and I note objections regarding the removal of the existing trees. I do not consider that the overgrown nature of the site contributes positively to the streetscape and on balance the removal of the trees will have an acceptable visual impact. The drawings submitted indicate new planting will be implemented and a planning condition can ensure new landscaping suitable for the conservation area setting.

I note concern that the new vehicular entrance will compromise road and pedestrian safety, however the Head of Environmental and Commercial Services offers no objection. Six off street parking spaces are provided behind the wall on the corner of the road junction. Despite the location within the site, the boundary wall will substantially screen views of the parked vehicles parked and ensure that they do not form a dominant feature. Appropriate parking is provided and I do not concur with the view that the proposal will unacceptably impact on the parking arrangements of neighbours. While I note concern that there is potential to sub divide the building into additional flats, any future proposal for a development of this nature would be subject of the requirement to submit a planning application for consideration and cannot be taken into account in assessing the impact on roads, parking and neighbours.

I am satisfied that the impact on the privacy to neighbouring property from windows within the new building is acceptable. The provision of a suitable screening fence to the boundary with 131 Finnart Street will address overlooking from the windows at basement and ground floor level, the closest of which is approximately 5 metres from the boundary. There is no conflict from the first floor windows and the windows of 131 Finnart Street. The shape of the site will result in views across the corners of the neighbouring garden from a first floor bedroom window, however unacceptable loss of privacy across large sections of the neighbouring garden to the detriment of the privacy of the residents does not occur. The window to window distance with the properties across Fox Street is approximately 28 metres, in excess of the minimum standard. The positioning of the building within the site would also have an acceptable impact on the daylight and sunlight to neighbouring property when assessed against the indicators set out by the BRE Trust, with any small loss of evening sunlight to 131 Finnart Street being within acceptable limits. Indeed, the distance of windows from boundaries reflects a building in large grounds.

The Head of Safer and Inclusive Communities offers no objections but conditions relating to contaminated land, Japanese Knotweed and sound insulation given the position adjacent to the electricity sub-station are recommended for any approval.

With respect to policy UT4, the initial proposal for the culverting and diversion of the Jardine Burn within the site led to a SEPA objection. Additional information on the flow of the burn and flood risk was provided and whilst the burn will still be diverted, it will remain partly as an open channel. This allowed SEPA to remove their objection. The Head of Environmental and Commercial Services is satisfied that there is no flood risk and conditions requiring a maintenance scheme for the burn, culvert and culvert grill are appropriate for any approval.

In conclusion, I am satisfied that the proposed development respects the established pattern of development within the Conservation Area in terms of location, design and materials. The proposal presents no conflict with the relevant criteria of policies H1, H8, H14, HR1, HR11, HR12 and UT4 of the Inverclyde Local Plan, the aims of the SHEP which seeks to enhance or 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 full details and the window specification shall be submitted to and approved in writing by the Planning Authority. Development shall then proceed utilising the approved specification unless an alternative is agreed in writing by the Planning Authority. For the avoidance of doubt, the windows shall feature a stepped profile to mimic the appearance of a sash and case window.
3. Prior to the commencement of works on site, a landscaping scheme shall be submitted to and approved in writing by the Planning Authority. The landscaping scheme shall then be implemented and maintained as approved at all times thereafter.
4. 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 wall to Finnart Street and Fox Street shall be retained.
5. The parking area for the new properties hereby permitted shall be completed and be available for the use to the satisfaction of the Planning Authority prior to the occupation of the new dwellinghouse.
6. All surface water run off shall be intercepted on site.
7. That development shall not commence on site until a maintenance scheme for the burn, culvert and culvert grill is submitted to and approved in writing by the Planning Authority. Maintenance shall then be undertaken in accordance with the approved scheme for all times thereafter.
8. That development shall not commence until full details of the containers to be used to store waste materials and recyclable materials produced on the premises and how they will be stored on site have been submitted to and approved in writing by the Planning Authority. These containers shall then be stored as approved at all times thereafter.
9. 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.
10. 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.
11. 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.

12. 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.
13. That no material shall be imported onto the site until written details of the source of the imported material have 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.
14. Sound insulation must be installed during construction to ensure that noise from the electrical sub station is within Noise Rating Curve 20 between the hours of 23:00 and 07:00 when measured within any bedroom of the new dwellings hereby permitted.

#### 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 a window design appropriate for this part of the Greenock West End Conservation Area.
3. To ensure appropriate landscaping within the site.
4. To ensure appropriate boundary treatment.
5. To ensure off street parking is available for these properties and to prevent overspill parking, 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 ensure an appropriate maintenance scheme for the burn, culvert and grille to prevent flooding.
8. To ensure the provision of suitable refuse and recycling storage and a visually acceptable environment.
9. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
10. To satisfactorily address potential contamination issues in the interests of environmental safety.
11. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.

12. To ensure that all contamination issues are recorded and dealt with appropriately.
13. To protect receptors from the harmful effects of imported contamination.
14. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

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



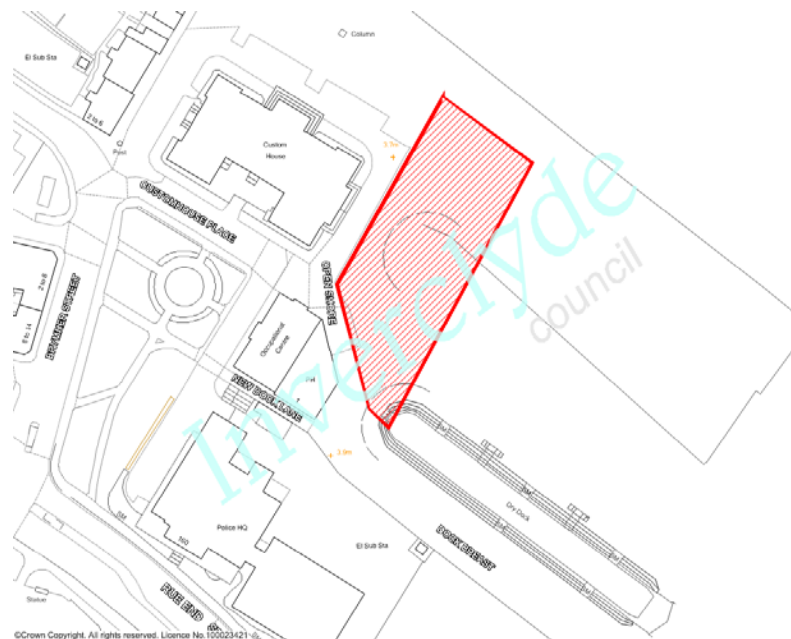
Crown Copyright. All rights reserved  
(1000023421) 2010

Ordnance Survey maps, and maps created from Ordnance Survey material are subject to Crown copyright. Information on Ordnance Survey map licensing can be found on their website <http://www.ordnancesurvey.co.uk/oswebsite>

<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>3 April 2013</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>13/0003/CA PLAN04/13</b>
<b>Contact Officer:</b>	<b>Nicholas McLaren</b>	<b>Contact No:</b>	<b>01475 712420</b>
<b>Subject:</b>	<b>Application of two sets of vinyl lettering to building at The Beacon - Custom House Quay, Open Shore, Greenock</b>		

**SITE DESCRIPTION**

The Beacon Theatre is located on Custom House Place, Greenock. It is positioned at the western edge of the Greenock Harbours Masterplan area, which stretches eastward to include the East India and Victoria Harbours and the Scott's Dry Dock. The theatre fronts the Firth of Clyde and the Custom House Square.



**PROPOSAL**

It is proposed to erect 2 black vinyl letter signs spelling the word "beacon" on the south and east elevations.

The lettering on the south elevation is proposed to be positioned on the "fly tower" at a minimum height of 13.2 metres above ground level and extending over a length of 9.4 metres. The individual letters are typically 1.5 metres high. The lettering on the east elevation is at second floor level extending over a length of 6.6 metres. The sign is a minimum of 7.4 metres above ground level, with individual letters generally 1.1 metres high. In both instances the lettering will be highlighted by

internally applied frosted vinyl and lighting to give the impression of spotlights from the rear highlighting the lettering.

## **LOCAL PLAN POLICIES**

There are no Local Plan policies applicable to this application.

## **CONSULTATIONS**

**Head of Environmental and Commercial Services** – Lighting should not exceed 800 candelas per square metre for areas up to 10 square metres and 600 candelas per square metre for areas exceeding 10 square metres.

## **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**

No representations have been received on the application.

## **ASSESSMENT**

As an application under the Control of Advertisements Regulations the determining factors in the assessment of this application are public safety and amenity.



There are no public safety issues subject to compliance with the Head of Environmental and Commercial Service's requirement for control over the level of sign illumination to avoid distraction to traffic. The acceptability or otherwise of the proposal therefore rests on an assessment of amenity.



The approved planning permission design of the theatre indicates signage located at high level on the south west corner of the building. This took into account the building's position as part of the Greenock Harbours Masterplan which proposes the erection of residential flats immediately to the east and wrapping round East India Harbour. As a consequence the current open aspects of the theatre will be screened from longer public views, being in the main only seen from the rear of nearby flats. The Masterplan indicates residential flats in very close proximity to the illuminated sign on the east elevation with the likelihood of windows, possibly including bedrooms, directly fronting the signage at a distance of approximately 25 metres. While it is noted that there is no timescale or approved design for the development of the flats, the overall Masterplan design concept must be recognised and should not be prejudiced. Indeed, if approved this proposal may require the reconfiguration of the Masterplan layout to ensure that flats are positioned and designed to avoid impact from the sign. Consequently, the potential impact on the amenity of future residents resulting from the illumination of what is a large sign (7.26 metres) is considered to be unacceptable.

The key approach to the theatre from the town centre and by car is from Brymner Street, resulting in the building being glimpsed between the Custom House and the Port and Harbour Hotel. This view was recognised in granting planning permission for the theatre, and while the signage takes a different form than envisaged, having a horizontal rather than vertical emphasis, this aspect of the proposal is considered acceptable.

## **RECOMMENDATION**

That the application be refused for the following reason:

The proposed sign on the east elevation is in conflict the approved Greenock Harbours Masterplan as the position, size and illumination of the sign is in the immediate proximity to a site identified for flats where the amenity of residents would be unacceptable impacted.

Stuart Jamieson  
Head of Regeneration and Planning

## **BACKGROUND PAPERS**

1. Application form
2. Application plans
3. The Greenock Harbours Masterplan



Ordnance Survey maps, and maps created from Ordnance Survey material are subject to Crown copyright. Information on Ordnance Survey map licensing can be found on their website <http://www.ordnancesurvey.co.uk/oswebsite>

**INVERCLYDE COUNCIL  
PLANNING BOARD**

**AGENDA AND ALL PAPERS TO:**

Councillor McColgan	1
Councillor Wilson	1
Provost Moran	1
Councillor Campbell-Sturgess	1
Councillor Brooks	1
Councillor Jones	1
Councillor McIlwee	1
Councillor Loughran	1
Councillor Dorrian	1
Councillor Nelson	1
Councillor Rebecchi	1

All other Members (for information only) 9

**Officers:**

Chief Executive	1
Corporate Communications & Public Affairs	1
Corporate Director Community Health & Care Partnership	1
Corporate Director Environment, Regeneration & Resources	1
Head of Regeneration & Planning	1
Head of Environmental & Commercial Services	1
Head of Legal & Democratic Services	1
Legal Services Manager (Procurement/Conveyancing)	1
R McGhee, Legal & Democratic Services	1
N McLaren, Planning	1
M Higginbotham, Transportation and Roads	1
File Copy	1

**TOTAL 32**

**AGENDAS AND ALL NON-CONFIDENTIAL PAPERS TO:**

Community Councils 10

**TOTAL 42**