

Report To: The Planning Board

Date: 1 May 2013

Report By: Head of Regeneration and Planning

**Report No: 11/0231/IC
PLAN05/13**

**Local Application
Development**

Contact Officer: James McColl

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**Subject: Erection of two flatted dwellings at
Corner of Finnart Street and Fox Street, Greenock**

BACKGROUND

At the April meeting of the Planning Board, consideration of the above planning application was continued for a site visit to allow Members to consider the site and its environs. The site visit was undertaken on 11 April 2013.

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. The Roads Development Guide considers the appropriate provision for two 4 bedroom flats to be either 6 allocated and 0.2 unallocated (on street) space or 4 allocated and 1 (on street) space. The proposed plan indicates 6 off street parking spaces. The proposed car parking complies with the Guidelines.

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 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



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