

**Report To: The Planning Board**

**Date: 7<sup>th</sup> October 2015**

**Report By: Head of Regeneration and Planning**

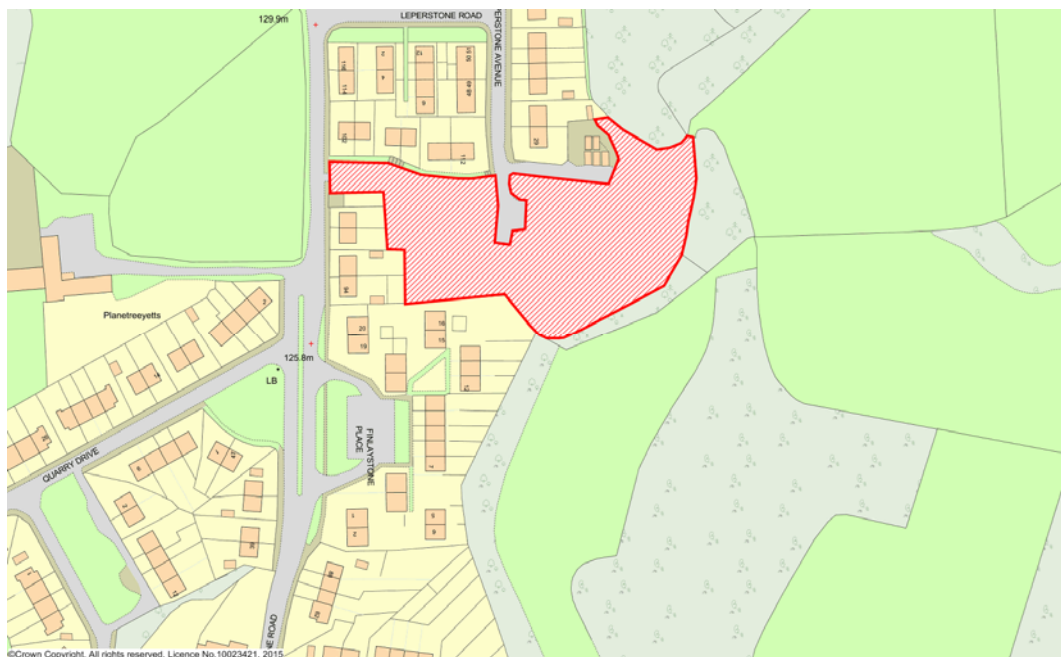
**Report No: 14/0409/IC  
Plan 10/15**

**Local Application  
Development**

**Contact Officer: David Ashman**

**Contact No: 01475 712416**

**Subject: Construction of new road and creation of development platforms with associated servicing and groundworks at  
Leperstone Avenue, Kilmacolm**



## **SUMMARY**

- At the September meeting of the Planning Board the application was continued for a site visit.
- The proposal accords with the Inverclyde Development Plan.
- Twenty six written representations have been received on amenity issues and technical matters.
- There have been no adverse comments from consultees.
- The recommendation is to **GRANT PLANNING PERMISSION**

## **BACKGROUND**

At the September meeting of the Planning Board the application was continued for a site visit, subsequently arranged for 6 October, to allow Members the opportunity to consider the site and its environs.

## **SITE DESCRIPTION**

The application site is an irregularly shaped 0.6 hectare area of ground located to the east of Finlaystone Road and to the south of Leperstone Avenue in Kilmacolm. Formerly wooded (trees were removed from the site in December 2014), it slopes downwards in a generally south easterly direction. The western most part of the site fronting onto Finlaystone Road accommodates a small parking area. A surface watercourse enters a culvert close to the eastern boundary.

The western part of the site is surrounded by a residential area comprising a mix of single and two storey houses, while to the eastern part there are agricultural fields and wooded land. Immediately north of the site there is a footpath providing access to houses and a segregated pedestrian link between Finlaystone Road and Leperstone Avenue. To the east of Leperstone Avenue this footpath becomes a vehicular access to a small group of garages, before becoming a track through the application site linking to the agricultural land to the east.

## **PROPOSAL**

Planning permission is sought to extend Leperstone Avenue to access the site for residential development in the form of 7 individual development platforms with associated servicing. The platforms will be formed through ground works involving the re-grading of the slope within the site.

The re-grading involves a cut and fill operation whereby the steepest sloping land to the east will be reduced in height with the introduction of a retaining wall where required to support the slope, and land to the south-east being increased in height. Throughout the site there will be a number of other level changes, the most prominent being to the south-east where the raised land will, at its highest point, be almost 2 metres above neighbouring garden ground before sloping down to the same level as the adjacent gardens.

The submitted plans show the development of seven house plots of varying sizes and configurations; the smallest is 387 squares metres, the largest 906 square metres. A suggested 95 square metres house footprint within most plots is shown (one is 79 square metres). Five plots are concentrated within the eastern part of the site and have their own frontage onto the proposed new access road. Two plots within the western part of the site front onto a private shared driveway. A 577 squares metres area of amenity open space is provided in the south-western corner of the application site.

The surface watercourse entering from the east will be guided through the site by a culvert. Surface water from the plots, together with surface water from the new road, will be directed towards a dedicated SUDS filtration area before discharging to this culvert. The amenity open space will accommodate a detention basin for surface water drainage, designed to have the potential to accommodate flood waters when the capacity of the downstream existing culvert is exceeded. Flood waters will surcharge from a manhole immediately upstream of the existing residential area. This will also discharge into the culvert once flows passing downstream fall below its full bore capacity. In the event of an extreme climatic event, any additional flood waters would be directed northwards within the application site and would discharge across the surface of the existing car park in the north-western corner. The bund to be constructed along the rear of the residential properties on Finlaystone Road will protect them from surface waters originating within the site.

The application is accompanied by a Design Statement, Flood Risk Assessment and Drainage and Flood Prevention Statement. The Design Statement sets out the development guidelines for future housing on the site. It is anticipated that there will be subsequent planning applications by

individuals seeking to build their own houses and the Statement sets out guidelines under which these will be constructed, heights, finishing materials, and landscaping and boundary treatments.

During the processing of the application the originally intended eight development plots were reduced to seven due to the requirement that a detention basin be provided within the application site.

## **LOCAL DEVELOPMENT PLAN POLICIES**

### **Policy RES1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

### **Policy RES3 - Residential Development Opportunities**

Residential development will be encouraged and supported on the sites and indicative locations included in Schedule 6.1 and indicated on the Proposals Map. An annual audit of the housing land supply will monitor and review, and where necessary, augment the Effective Land Supply, to maintain a minimum five year's supply in accordance with the GCV SDP and SPP guidance.

Planning Application Advice Note (PAAN)3 on "Private and Public Open Space Provision in New Residential Development" applies.

### **Policy INF4 - Reducing Flood Risk**

Development will not be acceptable where it is at risk of flooding, or increases flood risk elsewhere. There may be exceptions for infrastructure if a specific location is essential for operational reasons and the development is designed to operate in flood conditions and to have minimal impact on water flow and retention.

All developments at risk of flooding will require to be accompanied by a Flood Risk Assessment (FRA) and should include a freeboard allowance, use water resistant materials where appropriate and include suitable management measures and mitigation for any loss of flood storage capacity.

### **Policy INF5 - Sustainable Urban Drainage Systems**

Proposed new development should be drained by appropriate Sustainable Urban Drainage Systems (SUDS) designed in accordance with the CIRIA SUDS Manual (C697) and, where the scheme is to be adopted by Scottish Water, the Sewers for Scotland Manual Second Edition. Where the scheme is not to be adopted by Scottish Water, the developer should indicate how the scheme will be maintained in the long term.

Where more than one development drains into the same catchment a co-ordinated approach to SUDS provision should be taken where practicable.

## CONSULTATIONS

**Scottish Environment Protection Agency West** – No objection. The Planning Authority may wish to obtain verification from a suitably qualified engineer with regard to the structural integrity of the proposed flood storage area. It is recommended that an appropriate inspection and maintenance regime is adopted and that the full storage capacity is available in times of flood within the structure.

**Head of Environmental and Commercial Services** - The number of parking spaces per plot will depend upon the number of bedrooms in each house. Dimensions of the driveways and off-road parking spaces should be submitted. Conditions will be required with respect to the repair of a culvert below Finlaystone Road, maintenance of culverts, grilles and other flooding and drainage infrastructure, certification of the proposed bund.

**Head of Safer and Inclusive Communities** – No objection, subject to conditions in respect of Japanese Knotweed, contaminated land and external lighting, and advisory notes in respect of times and methods of working, site drainage, surface water and gull control.

**Scottish Water** - No objection. Various advisory notes are suggested.

## PUBLICITY

The application was advertised in the Greenock Telegraph on 9<sup>th</sup> January and 20<sup>th</sup> March 2015 as there are no premises on neighbouring land.

## SITE NOTICES

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

## PUBLIC PARTICIPATION

26 objections have been received from 10 individuals, as has a petition with 26 signatures. The points of objection may be summarised as follows:

### Drainage and associated infrastructure

- Drainage from the site is poor often leading to flooding of neighbouring gardens.
- There is a lack of flood risk information and weaknesses in what has been submitted.
- The new and existing drainage pipes may not be effective to accommodate flows.
- There are concerns over sewage proposals.
- The driveways should be finished in permeable blocks to help prevent flooding.
- The site investigations, survey information and calculations are not accurate.
- There is concern over the construction method of the detention pond, drainage connections and its height.
- The detention basin does not have fencing to stop access by children and details of maintenance have not been provided.

### Traffic/Roads

- There will be a loss of informal car parking spaces opportunities at the end of Leperstone Avenue.
- Emergency access will be lost.
- On-street parking on Leperstone Avenue will create access problems for construction traffic.
- The possible loss of existing road and track/right of way leading to garages and fields.
- There will be increased traffic levels.

### Residential amenity

- Overlooking and overshadowing may occur.
- The increase in ground levels may lead to possible instability.
- There will be insufficient garden ground or amenity land.
- There will be loss of view/view towards a gable.
- Poor condition of the site.
- There will be disruption to residential amenity from an extended construction programme.
- There will be loss of tranquillity.

### Miscellaneous

- There is a loss of trees through site clearance.
- A wildlife resource will be lost.
- There will be a loss of dog walking opportunities.
- Concerns over consequences for the condition of the site if planning permission is refused.
- Development will lead to devaluation of properties.
- There has been a lack of communication over proposals for the site.
- There are concerns over sale restrictions/reduced Council tax rates to purchasers from outwith the Council area.

## **ASSESSMENT**

The material considerations in determination of this application are the Local Development Plan including associated supplementary planning guidance PAAN3, the consultation replies, the representations and the supporting information.

The application site is identified in the Local Development Plan as a residential development opportunity in schedule 6.1 to policy RES3 with a capacity for 15 affordable dwellings, although reference is also made to the potential for 9 individual house plots. Plotted residential development is therefore supported by policy RES3 and, as a proposed residential development within a mainly residential area, also accords in principle with policy RES1. Policy RES1 however also sets out criteria against which any proposal has to be assessed.

As the application is for development platforms rather than individual dwellings, consideration on compatibility with the character and amenity of the area is based on the design statement which sets out the development guidelines for future housing on the site. The design statement requires that all houses within the site should be two storeys, and while this will result in some level of overlooking of adjacent properties this is typical of residential areas. Overall I am satisfied that the development platforms are positioned so that there will either be adequate spacing between the proposed houses and adjacent properties, or the orientation of the main window walls of the proposed houses will direct views away from the closest properties so as to not pose any significant privacy implications. I am also satisfied that, in general terms, there will not be any unacceptable overshadowing of adjacent properties, although detailed checks can be carried out when each subsequent house application is received. The size of the plots and the indicative development footprint on each plot suggests a lower density development than that of the immediate vicinity. Overall, in terms of character and amenity, I am satisfied that the proposal is compatible with the surroundings (criterion (a)).

I note some peripheral planting is shown, together with the provision of planted amenity space at the site of the detention basin. I consider such proposals to be acceptable in principle (criterion (b)).

There are no existing townscape or landscape features of value on the site. It was previously populated by a number of mature and semi-mature trees, which in letters of objection are noted as a wildlife resource and dog walking area. The felling of these trees however breached no planning

controls as they were neither the subject of a Tree Preservation Order nor within a conservation area (criterion (c)).

I note that the Head of Environmental and Commercial Services has no adverse comment. The existing site parking at the end of Leperstone Avenue is informal, whereas the proposed layout will provide formal visitor parking opportunities not interfering with the flow of traffic. Leperstone Avenue's current dimensions do not suggest that there will be any accessibility issues for emergency vehicles or construction traffic. The existing access and track to the garages is to be retained. Within the site, numbers of car parking spaces and dimensions of driveways may be more appropriately addressed upon the submission of individual house applications which may follow at a later stage (criterion (d)).

Servicing of the plots will be carried out in the event of approval of this application in preparation for development. Subsequent plot purchasers will only have to complete ties into the installed services. As a result of consultation I note that Scottish Water has no objection to the proposal, subject to the imposition of various advisory notes on a grant of planning permission (criterion (e)).



PAAN3 is the relevant supplementary guidance. The site is a small scale infill, with the requirement that development should accord with the established density and pattern of development in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. I am satisfied that the plots and the development footprints accord in general terms with this requirement, noting that garden depths and distances to side boundaries are variable in the vicinity (criterion (f)).

Concerns relating to drainage and flooding, which are relevant to Policies INF4 and INF5 of the Local Development Plan, have been raised by several representations. In assessing these I firstly note that there are no outstanding considerations raised by the consultation replies. In particular, while drainage and flooding concerns have been raised by several representations especially relating to a lack of information, the appropriate studies have now been submitted and representations have been addressed and answered during the processing of the application.

Other drainage and flooding concerns are based on existing and previous site conditions; drainage as a result of the watercourse from the fields to the east which enters a culvert running under the site, and surface run-off from rainfall. The latter concerns are heightened as a result of the removal of the trees with some neighbours referring to previous garden flooding which they attribute to lack of drainage control within the application site. This application, however, presents an opportunity for drainage issues to be addressed. The submitted plans confirm that a culvert runs under the site and neighbouring properties and the submitted Flood Risk Assessment, which has been accepted

by SEPA and the Council's Flooding Officer subject to conditions, provides a drainage solution. The surface water course from the east will continue to be channelled through the culvert to which surface water drainage from the plots and the road will be directed via a filtration system. While I note that several objectors have questioned drainage calculations and the adequacy of the pipework to address waterflows, I place greater weight on the expertise of SEPA and the Council's Flooding Officer.

The detention pond is to be constructed of hardcore material overlaid with sand, a soil stabilisation membrane, a waterproof membrane and soils and grass. I note that SEPA considers that the Council may wish to seek verification from a suitably qualified engineer with regard to structural integrity. This will be the subject of a separate building warrant application and can be the subject of a planning condition. The issue of maintenance is also raised which again may be addressed by condition. The height of the berms is determined by the necessity of ensuring the pond is of robust construction. Whilst the highest point of the berm is almost 2 metres above the nearest neighbouring garden ground I note that it is approximately 4.5 metres from the common boundary and that there is an existing screen fence of approximately 1.8 metres high and maturing soft planting already screening the neighbouring gardens. Details of the means of access security for the detention pond can be controlled by condition.



Foul sewage connections are also shown, to which I note Scottish Water has no objection in principle. On the matter of porosity of driveways, I consider it is reasonable to request that the appropriate blocks be used, which will accord with Scottish Government regulatory requirements.

I therefore consider that the requirements of policies INF4 and INF5 have been addressed.

Overall I am satisfied that the proposal accords with the Local Development Plan. It remains, however, to be considered if there are other material considerations to persuade a decision contrary to the Local Development Plan.

The adjustment of levels across the site has been noted and accepted as required to enable development to take place. There is no right to view over another adjacent property and such a concern could not form the grounds for refusal of planning permission. The same applies to concerns over its use by dog walkers, valuation of properties, sales restrictions or Council tax issues. The length of the construction programme is presently unknown but some disruption during construction is an almost inevitable consequence of any development. Individual concerns over matters such as noise levels and working hours may be addressed if necessary by legislation under the auspices of the Head of Safer and Inclusive Communities. Finally, with reference to communication of the proposed development, all statutory obligations have been fulfilled.

I am therefore satisfied that there are no material considerations to suggest that planning permission should be refused.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. That development shall accord in general terms with the requirements of the design brief hereby approved.
2. That subsequent applications for each dwellinghouse and associated garages, walls or wall/fence combinations shall be accompanied by samples of all facing materials to be used in the development of the plot and that, for the avoidance of doubt, these shall accord with the approved Design Statement. Development of each plot shall not commence until approval of materials by the Planning Authority.
3. That following approval of the first plot to be developed in terms of condition 2 above, subsequent plots shall be developed in accordance with the approved materials unless a variation is granted in writing by the Planning Authority.
4. That the development shall not commence until an environmental investigation and 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.
5. 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.
6. 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.
7. 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.
8. The use of the development shall not commence until the applicant has submitted a completion report for approval, in writing by the Planning Authority detailing all fill or landscaping material imported onto the site. This report shall contain information of the material's source, volume, intended use and verification of chemical quality (including soil-leachate and organic content etc) with plans delineating placement and thickness.



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 all surface water drainage from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Manual (C697) (CIRIA 2007). Before development commences, details shall be submitted to and approved in writing by the Planning Authority of the maintenance regime for the water detention areas.
11. That no dwellinghouses shall be occupied within the application site until the approved drainage works, including culvert alterations and the construction of a surface water detention pond, have been implemented in full.
12. That prior to the start of development, full details of the construction of the detention pond shall be submitted to and approved in writing by the Planning Authority.
13. That prior to the start of development, full details and samples of hard landscaping shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, all driveway pavements shall be porous.
14. That prior to the start of construction, details of all soft landscaping, including a timetable for planting, shall be submitted to and approved in writing by the Planning Authority.
15. That details of the maintenance of all hard and soft landscaped areas shall be submitted to and approved in writing by the Planning Authority prior to the start of development. With respect to soft landscaping, any planting that dies, becomes diseased, is removed or damaged within 5 years of planting shall be replaced with others of a similar size and species within the first planting season.
16. That prior to the start of construction, tree protection measures in accordance with the latest British Standard BS 5837 shall be implemented and retained in place until the completion of construction.
17. That prior to the commencement of development the existing culvert below Finlaystone Road shall be repaired.
18. That prior to the commencement of development, full details of the maintenance arrangements for all drainage and flooding related infrastructure, including all culverts, grilles and inlets for the detention pond shall be submitted to and approved in writing by the Planning Authority.
19. That upon completion of the detention pond a Structural Engineer's Certificate shall be submitted for the approval of the Planning Authority confirming that the integrity of the structure.
20. That prior to the commencement of development, details shall be submitted to and approved in writing by the Planning Authority of safety measures for the detention pond to ensure children cannot enter it during periods of flooding.
21. That the access lane between Finlaystone Road and Leperstone Avenue and between Leperstone Avenue and the garages and track to the east shall be kept free of obstructions at all times.

22. That the access road and associated footways hereby approved shall be constructed to base course level prior to occupation of the first of the dwellinghouses on the plots hereby approved being occupied and to final wearing course prior to the last of the dwellinghouses on the plots hereby approved being occupied.

23. That full details shall be provided of the proposed retaining walls prior to their construction.

#### Reasons

1. To ensure continuity in the development of the site.
2. To ensure continuity in the development of the site in the interests of visual amenity.
3. To ensure continuity in development of the site in the interests of visual amenity.
4. To satisfactorily address potential contamination issued in the interests of environmental safety.
5. To provide verification that remediation has been carried out to the Planning Authority's satisfaction.
6. To ensure that all contamination issues are recorded and dealt with appropriately.
7. To protect receptors from the harmful effects of imported contamination.
8. To protect receptors from the harmful effects of imported contamination.
9. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
10. To control runoff from the site to reduce the risk of flooding.
11. To prevent flooding within and adjacent to the site.
12. To ensure the robustness of the construction in order to avoid flooding.
13. In the interests of visual amenity and to prevent flooding.
14. In the interests of visual amenity.
15. To ensure the long term appearance of all soft and hard landscaped areas.
16. To ensure retention of the trees in the interests of visual amenity.
17. To prevent flooding within and adjacent to the site.
18. To prevent flooding within and adjacent to the site.
19. To ensure the detention pond is fit for purpose.
20. In the interests of safety.
21. In the interests of pedestrian and vehicular safety.
22. In the interests of pedestrian and vehicular safety.

23. In the interests of visual amenity.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Ashman on 01475 712416.