

Report To: The Planning Board

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Report By: Head of Regeneration and Planning

Report No: 15/0300/IC

**Local Application
Development**

Plan 02/16

**Contact
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Subject: Construction of 41 two storey terrace, semi-detached and detached houses with associated roads, parking and landscaping at Former Kempock House, Kirn Drive, Gourock



SUMMARY

- The proposal accords with the Inverclyde Development Plan.
- 26 representations have been received in respect of the application; 7 objections, 17 in support and 2 take a neutral position. Issues raised include impact on neighbours, site conditions and traffic issues.
- There have been no adverse comments from consultees.
- The recommendation is to enter into SECTION 75 agreements and to GRANT PLANNING PERMISSION subject to conditions.

SITE DESCRIPTION

The application site, extending to 1.49 hectares, is the grounds of the former Kempock House at Kirn Drive, Gourrock. Kempock House has been demolished, but the original landscaping remains including several mature trees and bushes and a distinctive line of trees which run north-south towards the rear of the site. Although generally level or very gently sloping, the site is more elevated along its south-west corner and falls away along at the north-east corner where there is a small gas meter housing. The Ash Burn runs close to the southern boundary and there is a culverted watercourse (a Mile Burn tributary) running within the western boundary. Boundary treatment varies across the site and includes mainly mature planting and various styles of fencing.

The site is roughly rectangular in shape with housing around. It shares a common boundary to the north with houses fronting Cowal View and Finnart Crescent, to the west with houses fronting Sycamore Place and to the south with houses fronting Moorfoot Drive. To the east the site is bound by Kirn Drive, across which are houses. The houses are a mix of single and two storey detached and semi-detached dwellings, with a more limited number of terraced and flatted dwellings.

PROPOSAL

Planning permission is sought for a housing development of 41 mainly 2 and 3 bedroom detached, semi-detached and terraced units. The houses are of contemporary design finished in a mix of buff facing brick and white drydash render with grey concrete roof tiles. A combination of garden, layby and parking court provision is made for 20 cars.

The proposals also include the provision of approximately 0.24 hectares of open space, consisting of three areas of amenity landscaping and a small play area. Trees are to be planted throughout the site including along the Kirn Drive frontage.

The application has been supported by a flood risk assessment, an invasive species survey, a site investigation report and a habitat survey.

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.

Policy RES4 - Provision of Affordable Housing

Residential developments of 20 or more dwellings on the prescribed sites in Schedule 6.1 will require developers to contribute towards meeting the affordable housing requirements identified in the Glasgow and the Clyde Valley Housing Need and Demand Assessment for Inverclyde. Provision is to be delivered by developers in accordance with Supplementary Guidance on Affordable Housing through the following means:

- (a) a benchmark of 25% Affordable Housing Contribution or another agreed percentage on specified 'quota sites'; or failing that and in exceptional circumstances:
 - (i) off-site provision within the same HMA/HNDA sub area; or
 - (ii) commuted payments in lieu of on- or off-site provision;
- (b) allocated Registered Social Landlord sites in the effective land supply; and
- (c) greenfield land release for a negotiated Affordable Housing Contribution, subject to assessment in accordance with the GCV SDP Strategy Support Measure 10 and Policy RES3.

Policy SDS5 Development within the Urban Area

There will be a preference for all appropriate new development to be located on previously used (brownfield) land within the urban settlements, as identified on the Proposals Map.

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 coordinated approach to SUDS provision should be taken where practicable.

Planning Application Advice Notes (PAAN)3 on "Private and Public Open Space Provision in New Residential Development" and PAAN1 on "Backland and Tandem Residential Development" apply.

CONSULTATIONS

Head of Environmental and Commercial Services - Visitor parking is concentrated to the east of the development and should be more evenly spread. Junction visibility splays of 2.4m by 43m should be kept clear of trees. A tracking drawing should be provided showing that a bin lorry and emergency vehicle can turn within the site. The proposed private parking court and access road will not be adopted. Confirmation is required of Scottish Water's and SEPA's acceptance of the proposal. The recommendations in the Flood Risk Assessment should be incorporated in the drainage drawings, minimum floor levels and shaped landscaped areas. All

surface water should be contained within the site. Details of the works to the Mile Burn tributary should be submitted for approval.

Head of Safer and Inclusive Communities - No objections subject to conditions in respect of Japanese Knotweed, contaminated land, waste containers, external lighting and advisory notes on times and methods of working to minimise noise disruption, sound insulation in buildings, site drainage, rats, drains and sewers, design and management regulations, SUDs and gull control.

Scottish Environment Protection Agency West - No objection.

Scottish Gas Networks - There is plant in the vicinity. There should be no mechanical excavations taking place above or within 0.5 metres of a low/medium pressure system or above or within 3.0 metres of an intermediate pressure system.

Scottish Water – No objection.

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

26 representations have been received in respect of the application; 7 objections, 17 in support and 2 take a neutral position.

The points of objection may be summarised as follows:

Site conditions, especially drainage

- There is potential for flooding of adjacent properties.
- Development will impact on a culvert along the western boundary of the site.
- There is Japanese Knotweed on site.
- Concerns over maintenance of site between granting of permission and development commencing.

Impact on neighbouring properties

- Boundary treatment for privacy screening purposes is inadequate and there is potential damage to existing soft boundary.
- A window of an adjacent house is unacceptably overlooked.
- One proposed house is within 9 metres of the boundary.
- The proposed terraced houses would dominate and overshadow an existing property on Kirn Drive.
- Devaluation of existing adjacent houses.

Wider impacts

- The level and noise of extra traffic on Kirn Drive during and after construction, given the present busy and occasionally congested nature of the road is of concern.

Miscellaneous

- No notification of the application was provided.
- Loss of a site for dog walkers.

The points in support of the application may be summarised as follows:

- Welcome increase in property availability, especially for families.
- Will bring younger home owners and therefore add vibrancy to the area.
- Improvement of a derelict site.
- Excellent location in close proximity to schools and local shops.

Those taking a neutral position nevertheless have comments to offer as follows:

- There are concerns over the impact of additional traffic on Kirn Drive and surrounding streets, particularly at school pick-up and drop-off times. New traffic management initiatives are suggested, such as making Kirn Drive one-way or road widening.

ASSESSMENT

The material considerations in determination of this application are the Local Development Plan, Planning Application Advice Note (PAAN) 3 on "Private and Public Open Space Provision in New Residential Development" and "Affordable Housing", the consultation replies, the representations and the applicant's supporting information.

The application site is identified by the Local Development Plan in Policy RES3 and within the associated Schedule 6.1 as a residential development opportunity where residential development is to be encouraged and supported. The Schedule has an indicative capacity of 40 units; the proposal for 41 units.

The application site is located within a mainly residential area where Policy RES1 aims to safeguard and, where practicable, enhance character and amenity. New residential development requires to be assessed against specific criteria.



The proposal is residential in nature and, with respect to the design, height and appearance of the proposed houses is complementary to existing adjacent housing. I also require to consider the impact on neighbouring property, and in this connection letters of objection. An issue of window intervisibility has been raised. Planning Application Advice Note (PAAN) 1 on "Backland and Tandem Residential Development" advises on window to window distances and the minimum requirements are exceeded therefore I am satisfied that no windows on adjacent properties are compromised. Boundary treatment has been given careful consideration and in order to address privacy concerns a 1.8 metres high close boarded screen fence is generally required along the common rear boundaries with adjacent dwellings. This will require the cutting back of some existing vegetation which does not provide adequate privacy because of the raised tree canopy. It is desirable to retain as much of this natural boundary treatment as possible, and the applicant has indicated that this will be his approach, but nevertheless on balance addressing ground floor level privacy issues has to take priority.

Concerns have also been expressed over the proposed new terraced properties dominating and overshadowing. The proposed terraces are set back from the common boundary in accordance with the dimensional requirements of PAAN3; the new houses are located to the north of the existing houses and will therefore not impact on sunlight received. With specific reference to a letter of objection, the main windows of a potentially affected house in Kirn Drive faces westwards at approximately 90 degrees to the proposed terrace gable and will have no direct view of it; the side windows have views along Kirn Drive and are forward of the front building line of the proposed terraces, hence it will have adequate access to daylight. Furthermore, daylight tests based on the Building Research Establishment's "Site Layout Planning for Daylight and Sunlight" demonstrate that daylight received by windows in existing houses comfortably passes the minimum requirements. I am therefore satisfied that the proposed terraces will not unacceptably dominate or overshadow any existing neighbouring houses. I consequently regard the proposal as compatible with the character and amenity of the area (criterion (a)).

A scheme of landscaping has been submitted which identifies a combination of new planting and the retention of some of the existing mature trees on the site. I consider the proposed landscaping treatment to be satisfactory, according with criteria (b) and (c). The proposed layout has been assessed by the Head of Environmental and Commercial Services and no concerns have been raised in respect of the Council's adopted roads guidance and Designing Streets. Furthermore, while noting the concerns raised with respect to levels of traffic and congestion in the surrounding streets, he has raised no road safety objections (criterion (d)). The site is located adjacent to existing services and consultation replies indicate that the proposed development can be accommodated. The developer will have to meet the requirements of the various service providers regarding connections (criterion (e)). The proposal is therefore compliant with Policy RES1.



With respect to PAAN3, the proposal constitutes a "large scale infill" with open space requirements applying to private garden ground and public open space. The layout meets the requirements for private garden ground which includes a minimum 9 metres distance to rear boundaries. The public open space provision is 0.01 hectares short of the specific requirement for the site. Notwithstanding this marginal underprovision, I am satisfied that in all respects the proposal accords with the character and amenity of the area and that refusal of the application solely on the basis of the public open space figure is not justifiable.

It also follows that, as development on a previously brownfield site, the proposal accords in principle with Policy SDS5. Consideration, however, requires to be given to Policy RES4 and the associated Supplementary Guidance on Affordable Housing.

The proposal is a development of more than 20 dwellings and is a prescribed site in Schedule 6.1, hence there is a requirement that the developer contributes to meeting affordable housing requirements in the Glasgow and the Clyde Valley Housing Need and Demand Assessment for Inverclyde. It has been concluded that the most appropriate form of provision is units off-site, specifically on the presently vacant site at 53 Shore Street, Gourrock. This is within the same housing market area and the site is within the control of the applicant. In order to ensure delivery of the affordable housing provision (in this instance 9 flatted dwellings which represents 22% of the development capacity), Section 75 Agreements are to be entered into by the applicant, the Council and a Housing Association which will take forward delivery of the site. There are to be two separate Agreements; one between the owners of the Kirn Drive site and the Council obliging the owners of the Shore Street site to transfer the Shore Street site to the Housing Association (in satisfaction of the affordable housing requirement for the Kirn Drive site) and the second between the owners of the Shore Street site and the Council obliging the owners of the Shore Street site to complete the formation of the affordable housing there within a specified timescale, failing which the owners of the Shore Street site will convey it to the Council at no cost. Both agreements will require to be completed and registered before the issuing of this planning permission. Together, these Agreements will ensure that the matter is within the control of the Council. I am therefore satisfied that the terms of Policy RES4 can be met but that the granting of planning permission should be dependent upon Section 75 Agreements being put in place.

Flooding and drainage are addressed by Policies INF4 and INF5. The applicant submitted a Flood Risk Assessment in support of the application and this has been considered by the Scottish Environment Protection Agency (SEPA) and the Head of Environmental and Commercial Services. SEPA offers no objection on flood risk grounds. Surface water runoff into the site has been considered and risks associated with it are regarded as low and manageable. SEPA notes that, in terms of flood management, the culvert through the site is to be upgraded or replaced and that there is to be no building over the culvert and a no build zone. The Head of Environmental and Commercial Services seeks confirmation of Scottish Water's acceptance of the proposals, the containment of surface water within the site, details of works to the Mile Burn tributary culvert, confirmation of SEPA's approval, and implementation of the recommendations in the Flood Risk Assessment. I am satisfied that the above outstanding matters may be addressed by conditions and advisory notes. Consequently I am satisfied that the proposal complies with Policies INF4 and INF5.

I therefore conclude that the proposal accords with the Local Development Plan. It remains to be considered, however, if there are any material considerations which suggest that planning permission should not be granted.

In this connection, the matters raised by the Head of Safer and Inclusive Communities, including Japanese Knotweed, may be addressed by conditions and advisory notes on a grant of planning permission.

With respect to those objections not yet addressed, issues raised that can have no bearing on the determination of the application are site maintenance and construction noise. Maintenance of the site is the responsibility of the landowner and should the condition of the site deteriorate to the extent that it became detrimental to amenity the Council has planning powers to serve notices to have the site improved and the work carried out. Should planning permission be granted there will inevitably be noise associated with the development of the site. This is to be expected for any development project. Should noise be excessive then the Head of Safer and Inclusive Communities has powers to intervene to regulate matters. The loss of ground for the walking of dogs and the impact of the proposal on the valuation of properties are also not material planning considerations.

On a procedural matter, one neighbouring property did not initially receive notification of the proposal due to a system error but the matter was rectified early in the processing of the application.

In conclusion, I am satisfied that there are no material considerations suggesting that planning permission should be refused. I therefore consider that planning permission should be granted subject to conditions but only once Section 75 Agreements are secured for the offsite provision of the affordable housing element of the proposal.

RECOMMENDATION

- A) That prior to the issuing of planning permission, section 75 agreements shall be entered into requiring:
1. the owners of the Kirn Drive site to transfer the Shore Street site to the Housing Association; and
 2. the owners of 53 Shore Street to complete the formation of the affordable housing there within a specified timescale, failing which the owners of the Shore Street site will convey it to the Council at no cost.
- B) That on registration of the Section 75 Agreements required by point A, the application be granted subject to the following conditions:
1. That prior to their use, samples of all facing materials to be used in the construction of the dwellings hereby permitted shall be submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter using the approved materials unless a variation is agreed in writing with the Planning Authority.
 2. That the approved screen fencing shall be erected along the common boundaries with the existing adjacent residential properties prior to the relevant individual dwellings being occupied.
 3. Notwithstanding the terms of condition 2 above, the approved screen fencing shall not project closer to Kirn Drive than the eastern boundary of plot 41 or the front building line of the dwelling on plot 1.
 4. 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.
 5. That all surface water originating within the site shall be intercepted within the site.
 6. That in accordance with the recommendations of the Flood Risk Assessment hereby approved, the existing culvert along the western site boundary shall be upgraded or replaced, all to the satisfaction of the Scottish Environment Protection Agency and the Head of Environmental and Commercial Services, prior to construction commencing on any of plots 24 to 29.
 7. That for the avoidance of doubt, there shall be no construction above the culvert referred to in condition 6 above, nor within the “no-build zone” shown on the approved plans.
 8. That prior to the commencement of construction, the applicant shall submit written confirmation of Scottish Water’s acceptance of the proposed development.
 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 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.
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. 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.
14. That for the avoidance of doubt, the landscaping scheme, including the play area, shall be implemented in full prior to the commencement of construction of the last dwellinghouse hereby permitted.
15. That prior to occupation of the first of the dwellinghouses hereby permitted, full details shall be provided of the play area, including equipment and surfacing specification.
16. That any of the soft landscaping that dies, is removed, damaged or becomes diseased within 5 years of planting shall be replaced within the following year with others of a similar size and species.
17. That the approved management and maintenance plan for the landscaping shall come into effect immediately on completion of the approved landscaping scheme.
18. That prior to the commencement of development a detailed specification of any bin stores to be provided shall be submitted to and approved in writing by the Planning Authority.
19. That for the avoidance of doubt a visibility splay of 2.4 metres by 43 metres by 1.05 metres high shall be provided and maintained at all times at the vehicular entrance to the development.

Reasons

1. In the interests of visual amenity.
2. In the interests of privacy.

3. In the interests of amenity of adjacent residents.
4. To control runoff from the site to reduce the risk of flooding.
5. To control runoff from the site to reduce the risk of flooding.
6. To control the passage of culverted waters through the site to reduce the risk of flooding.
7. To help ensure the passage of culverted waters through the site to reduce the risk of flooding.
8. To ensure adequate service connections can be achieved.
9. To help arrest the potential spread of Japanese Knotweed in the interests of environmental protection.
10. To satisfactorily address potential contamination issued 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 ensure an acceptable standard of residential amenity.
15. To ensure the provision of an acceptable standard of equipment.
16. To ensure retention of the approved landscaping scheme.
17. To ensure retention of the approved landscaping scheme.
18. In the interests of visual amenity.
19. In the interests of pedestrian and vehicular safety.

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