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<b>Report To:</b>	<b>The Planning Board</b>	<b>Date:</b>	<b>2 November 2016</b>
<b>Report By:</b>	<b>Head of Regeneration and Planning</b>	<b>Report No:</b>	<b>16/0011/IC Plan 11/16</b>
			<b>Local Application Development</b>
<b>Contact Officer:</b>	<b>Guy Phillips</b>	<b>Contact No:</b>	<b>01475 712422</b>
<b>Subject:</b>	<b>Demolition of former hotel and erection of 11 flats at 1 Ashton Road, Gourrock</b>		



### **SUMMARY**

- The proposal accords with the Inverclyde Development Plan.
- Ten letters of objection have been received. Issues raised include concern over the design of the building, road safety and access, ground stability and impact on trees.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=O1D8QKIMINV00>

## **BACKGROUND**

At the October meeting of the Planning Board the application was continued for a site visit, subsequently arranged for 26 October, to allow Members the opportunity to consider the site and its environs.

## **SITE DESCRIPTION**

The disused Firth Hotel occupies an L-shaped site at the junction of Ashton Road and Ashton Place, within the Gourrock West Bay Conservation Area. Ashton Place rises from its junction with Ashton Road and returns at right angles around the rear of the application site where it decreases to single-track width. From its right-angled bend, Ashton Place rises to meet a two storey Victorian terraced property at Ashton Terrace. Connecting with the right-angled bend on Ashton Terrace are two sets of steps: the Kennedy Steps which curve and rise to connect with Victoria Road and an access rising to connect with Ashton Terrace. The former hotel's rear service area takes vehicular access from Ashton Place. To the rear of the service yard is an embankment rising to meet the single-track section of Ashton Place. The embankment is supported by a stone and brick retaining wall and contains scrub trees.

The former hotel is an L-shaped two storey pitch roof Victorian building with a flat roof single storey extension constructed across the full extent of its front elevation. The extension is fitted with picture windows and has a deep timber fascia on its Ashton Road and Ashton Place frontages. The walled front garden is forward of the single storey extension and provided outdoor seating when the building was in use. The building's external finishes are painted stonework and natural slate.

Across Ashton Road are Ashton Promenade and the Firth of Clyde. To the north-east, across Ashton Place is a flat roof single storey shop and the rear garden wall of four storey tenements fronting Ashburn Gardens. To the south-east (side), the site is adjoined by an off-white painted sub-divided two storey Victorian property.

## **PROPOSAL**

It is proposed to demolish the building and to construct an L-shaped building varying between two and four storeys and containing eleven flats. Six of the proposed flats contain three bedrooms and the remaining five flats have two bedrooms.

The four storey section of the building is flat roofed and located at its north-east corner next to the junction of Ashton Road and Ashton Place. Thereafter, along the Ashton Place frontage the building reduces to two storeys and is pitch roofed. On the Ashton Road frontage, the building steps down from the four storey corner section to three storeys with a pitched roof. Ridge height of the three storey section of the building matches the height of the skew on the adjoining Victorian property on Ashton Road and is similar in height to the building currently on site.

The front elevation of the proposed flats follows a similar alignment to that of the existing building. Similarly, the proposed building's side elevation onto Ashton Place is constructed against the footway. Flats above ground floor level on the Ashton Place frontage do, however, have triangular shaped projections which extend over the footway; the projections contain windows to afford views across Ashton Road and the Firth of Clyde. The Ashton Place elevation also features a series of circular windows. Upper level flats on the Ashton Road frontage are equipped with balconies to take advantage of views over the Clyde. External finishes are white-coloured render, fibre-cement cladding panels, and imitation grey slates. The design also contains extensive areas of glazing with flats on the Ashton Road frontage featuring full-height windows.

The building contains two sets of stairs, one with pedestrian access to Ashton Road and the other to Ashton Place. The stairs (which are glazed full-height to front and rear) also provide access onto a rear car park with nineteen off-street parking spaces. The car park is formed over the current service area and part of the embankment to Ashton Place. As a result, the embankment requires to be excavated to a maximum depth of approximately 6.7m and the

existing retaining wall removed. The excavated slope is to be supported by twin retaining walls to form two terraces between the rear boundary of the car park and Ashton Place. The two terraces are set at an approximate thirty degree upward slope. The lower of the two retaining walls (adjacent to the car park) is 3.7m high and the higher 1.5m. Vehicular access remains as existing off the length of Ashton Place running south-westwards from Ashton Road/Albert Road.

It is further proposed to form pavement build-outs to assist motorists' visibility when carrying out turning movements from Ashton Place onto Ashton Road.

## **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 HER1 - Development which Affects the Character of Conservation Areas**

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Environment Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

Planning Application Advice Note No3 (PAAN3) "Private and Public Open space in New Residential Development" applies.

## **CONSULTATIONS**

**Council's Lower Clyde Greenspace Manager** - the bat survey notes low to moderate roosting potential and very limited signs of bat activity. Most of the internal voids inspected show no signs of bat activity. Also, given that the site is adjacent to woodland, which represents a foraging corridor for bats, the presence of droppings is perhaps not indicative of bats living within the building. There is no need for a secondary bat survey on the condition that if any are bats discovered during the demolition phase, works are stopped and a licensed bat handler contacted for advice. This would involve clear instructions being given to the workers prior to works commencing via a licensed bat handler.

**Head of Environmental and Commercial Services** - given that the layout is constrained by levels and that the development is in an urban area and there are suitable links to the transport network both train and buses, the 19 off-street spaces in this location is acceptable. The flood risk assessment submitted with the planning application is also acceptable.

**Head of Safer and Inclusive Communities** - no objections subject to the attachment of conditions to control the spread of Japanese Knotweed and potential ground contamination, waste storage, external lighting, construction noise and sound insulation and advisory notes on site drainage, vermin, CDM Regulations, surface water and seagulls.

**Scottish Environment Protection Agency West** - No objections.

## **PUBLICITY**

The application was advertised as there are no premises on neighbouring land and as a development affecting a conservation area.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Ten written representations objecting to the proposal have been received. The objectors to the planning application are concerned that:

- vehicular access shall either be denied to 3/4 Ashton Road or made dangerous, resulting in a health and safety issue. Determination of the planning application should be delayed until the objector has had an opportunity to discuss a solution with the applicant.
- the submitted design fails to preserve and enhance the Conservation Area.
- the raised height of the penthouse flats will dominate neighbouring properties and reduce daylight in the rear garden of No 123 Albert Road.
- the change from the existing hotel's single storey construction at the front of the site to three storey and set approximately 200mm further forward shall be out of keeping with nearby buildings.
- road safety shall be adversely affected by congestion in Ashton Lane and Albert Road; there will be a reduction in space for turning vehicles on Ashton Place, insufficient parking being provided and increased parking on pavements.
- steps should be taken to improve visibility for motorists exiting Ashton Place onto Ashton Road.
- the stability of the privately owned Ashton Place may be compromised by the excavation, removal of trees and formation of retaining walls proposed to form parking spaces at the rear of the proposed flats. The Council should insist on a full structural survey to assess the impact upon the privately owned road and properties at Ashton Terrace. Contractors should be held fully liable to make good any damage. It should be clarified if the builders' insurers are aware of the subsidence risk, if the Council is prepared to underwrite any cost incurred, that the developers are prepared to meet the cost of repairs and, if the Members of the Planning Board and officers of the Planning Service are prepared to take financial responsibility.
- trees are afforded protection within conservation areas.
- access, including access for emergency vehicles should be maintained on Ashton Place for the duration of the site works.
- flooding in the area may be due to a blocked pipe below the hotel.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Local Development Plan, the Council's Planning Application Advice Note No3 (PAAN3) "Private and Public Open Space in New Residential Development", Historic Environment Scotland's Policy Statement (which supersedes the SHEP) and the "Managing Change in the Historic Environment" guidance note series, the consultation responses and the written representations.

Policies RES1 and HER1 combine to require development proposals to safeguard residential amenity and character and to ensure that proposals are sympathetic to the character, pattern of development and appearance of the Conservation Area. In order to determine whether or not the proposal meets this aim, it is necessary to assess it against the criteria laid down by Policy RES1 in combination with the design guidance in the Council's PAAN3 and Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note series and Policy Statement.

Policy RES1's criteria are: (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.

Considering compatibility with the character and amenity of the area, the proposed building is setback a similar distance (within approximately 200mm) of the existing building, is similarly built on to the footway heel on Ashton Place and is similar in height to the existing building where it adjoins 3/4 Ashton Road. The 3D drawings submitted with the planning application serve to demonstrate that there is a progression in building form along Ashton Road/Albert Road from south-west to north-east whereby buildings become progressively closer to the street and increase in height from the predominantly two/two and a half storey villas along Ashton Road to the four storey tenements at Ashburn Gardens. I consider that the scale and massing of the proposed flats is sympathetic to this pattern of development. The flat roof section of the building which is formed over four storeys is comparatively small in relation to the overall scale of the proposed building and, I consider, makes a conservative use of height to emphasise the corner at Ashton Road/Ashton Place. Thereafter, the building progressively reduces in height to two storeys high along its Ashton Place frontage. The extensive use of glazing in the design is, I further consider, also sympathetic to the predominantly Victorian architecture of the Conservation Area which also features large windows. Further assisting in the design's compatibility with the character and amenity of the area is the use of a predominantly white-coloured wall finish and imitation slate which sympathise with the painted stone and natural slate finishes in the area. I do, however, consider it prudent to attach a condition reserving the choice of finishes. Given these circumstances, it can be determined that the proposed design satisfies criterion (a) of Policy RES1.



Considering landscaping and the retention of landscape, a number of scrub trees shall be lost as a result of the excavation at the rear of the site to form the proposed car park. I consider that this can be remediated by a condition requiring the planting of replacement trees on the remaining area of embankment between the site and Ashton Place. I am thus satisfied that the proposal accords with criteria (b) and (c) of policy RES1.

The Head of Environmental and Commercial Services' non-objection to the proposal (including upon the issue of flood risk) determines that the proposal accords with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement. The roads guidance requires 22 parking spaces. The proposal is for 19 spaces. Given that the layout is constrained by levels and that the development is in an urban area and there are suitable links

to the transport network both train and buses, the 19 off-street spaces in this location are considered acceptable by the Head of Environmental and Commercial Services. SEPA, similarly, has raised no flooding concerns and also does not object to the proposal. It may therefore be determined that the proposal accords with criterion (d) of policy RES1.

I am content that the attachment of Scottish Water's standard advisory notes ensures that the development shall be provided with adequate services and thus accords with criterion (e) of policy RES1.



In the Council's PAAN3 "Private and Public Open Space in New Residential Development" the proposal falls within the category of flatted infill development. I am content that the submitted design accords with its guidance in reflecting the existing scale of buildings and townscape in the immediate environs. It is further noted by the PAAN that open space need only be provided where surplus land is available following the provision of any off-street parking. In addition to the incorporation of 19 off-street parking spaces within the site, the proposed flats have an area of front garden onto Ashton Road and retain part of the embankment between the rear car park and Ashton Place. Given these circumstances, I am content that the proposal accords with criterion (e) of policy RES1.

Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note series advises that there is a view that new buildings in historic settings should seek to replicate existing buildings in design, appearance and materials. While this may be appropriate in specific circumstances, for example where part of a larger architectural composition had been lost, in general it believes that new interventions in historic settings do not need to look "old" in order to create a harmonious relationship with their surroundings. Some of the best recent examples are contemporary design responses. This approach suggests an honesty and confidence in our modern architecture which will be valued by future generations. I am satisfied that the contemporary design that has been submitted is in accordance with the "Managing Change in the Historic Environment" guidance note series advice. Furthermore, the scale and massing of the proposed flats, elevational treatment, choice of materials and relationship with nearby buildings combine to persuade me that the proposal is harmonious with its surroundings and is sympathetic to the character, pattern of development and appearance of the Gourrock West Bay Conservation Area. I am, therefore, content that proposal accords with Policy HER1.

Regarding the consultation response not considered by my assessment against the Local Development Plan, I have no objections to the conditions recommended to be attached by the Head of Safer and Inclusive Communities to control the spread of Japanese Knotweed and potential ground contamination. Waste storage, external lighting, construction noise and sound insulation are, however, matters controlled by other legislation and I, therefore, do not consider it competent to attach planning conditions; I am, however content to attach advisory notes in combination with the notes on site drainage, vermin, CDM Regulations, surface water and avoidance of nuisance from seagulls.

Considering the objectors' concerns not addressed by my assessment against the Local Development Plan: the applicant has submitted an extract from his title plan which demonstrates that the paved driveway into the neighbouring property at 3/4 Ashton Road has been partly formed over land which is under the applicant's control and, accordingly, there is a civil matter to be resolved between the two parties: the rear garden of 123 Albert Road is to the north-east of the proposed flats, separated by Ashton Place and the single storey shop at 124 Albert Road, and I am satisfied that any shading of the rear garden would occur only in summer evenings and is not so significant an issue as to justify refusal of planning permission; any potential collapse arising from excavations and construction of retaining walls that impacts upon neighbouring land is not a matter for which the Council can be held liable but are matters to be addressed by the applicant, his professional and technical advisers and his insurers. This will require a separate structural assessment considered apart from the planning process. Maintenance of access over Ashton Place in the course of the site works is not a material planning consideration.



Given all of the above circumstances, I am content that the proposal safeguards residential amenity and character, is sympathetic to the character, pattern of development and appearance of the Conservation Area and is an intelligent and understanding management of the Conservation Area thus according with Policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement and thus merits support.

## **RECOMMENDATION**

That the application be granted subject to the following conditions:

1. 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.
2. 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 have 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.

3. 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.
4. 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.
5. 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.
6. Prior to demolition commencing, clear instructions shall be given to workers from a licensed bat handler that in the event of bats being discovered works are to stop and the licensed bat handler thereafter consulted for advice.
7. Prior to the 11 flats hereby approved being occupied, the pavement build-outs detailed on docquetted drawing 592/DET/01 and the 19 off-street parking spaces shown on docquetted drawing 592/ST/03 shall be completed.
8. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved materials, unless the Planning Authority gives its prior written approval to any alternatives.
9. No development shall commence until details of tree planting on the embankment at the rear of the site to replace the trees removed to form the rear car park have been submitted to and approved in writing by the Planning Authority: thereafter the approved scheme of planting shall be completed within the first planting season following the completion of the 11 flats hereby authorised and any specimens that in the subsequent 5 years die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternatives.

#### Reasons

1. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
2. To satisfactorily address potential contamination issues in the interests of environmental safety.
3. To provide verification that remediation has been carried out to the Authority's satisfaction.
4. To ensure that all contamination issues are recorded and dealt with appropriately.
5. To protect receptors from the harmful effects of imported contamination.



6. In the interests of the protection of bats.
7. In the interests of road safety on Ashton Road and Ashton Place.
8. To ensure a choice of external finishes sympathetic to the character and pattern of development of this part of the Gourock West Bay Conservation Area.
9. To ensure a consistency of tree cover in this part of the Gourock West Bay Conservation Area.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Guy Phillips on 01475 712422.