

Report To: The Planning Board

Date: 6 December 2023

Report By: Director, Environment and Regeneration

Report No: 23/0038/IC

**Local Application
Development**

**Contact
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Subject: Erection of detached dwellinghouse (change to the design and position of the house at the west side of the site approved under previous planning permission IC/91/157)
at
land adjacent to 31A Cowal View, Gourrock



SUMMARY

- The proposal is acceptable against National Planning Framework 4.
- The proposal accords with the adopted and proposed local development plans.
- 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=RQ85ERIMMDX00>

SITE DESCRIPTION

The application site is irregular in shape and is located at a bend in Cowal View. The site is approximately 1310sqm in size and is on a slope that rises in a general north to south direction. At the north part of the site the ground levels are approximately 58m Above Ordnance Datum and at the highest point along the south boundary the ground levels are approximately 71m Above Ordnance Datum. The site is bounded on its north side by Cowal View, and Gourrock Golf Course to the south.

There is an unnamed watercourse that flows along the west side of the site, before turning west. The site to the immediate west is a reasonably large area of vacant land which has largely rewilded and a planning application for six dwellinghouses has been applied for under 23/0036/IC for this land. The wider area is residential in nature with variety of dwellinghouse including flats to the east of the proposed site.

There is a detached dwellinghouse immediately to the east of the site at 31A Cowal View. The application site includes a driveway access at the west side of 31A Cowal View that runs up to and around to the rear of the existing house.

PLANNING APPLICATION HISTORY

Before describing the current proposal and by way of background there has been a previous planning permission that is relevant to the current planning application.

Planning permission was granted on 28th June 1991 for the erection of two detached houses at this location (IC/91/157). One of the approved houses was to be located towards the front of the site and the other towards the rear of the site, each house with its own separate driveway access. The house that has been constructed at 31A Cowal View is one of the houses approved under IC/91/157. It should be noted that although planning permission IC/91/157 was granted a number of years ago the second house towards the rear of the site could still be constructed. This is because the relevant planning legislation only requires an approved development to be commenced and does not actually require the development to be completed.

PROPOSAL

Planning permission is now sought for the erection of a split-level detached house with a pitched roof that is to contain three bedrooms. The proposed house differs from the house granted under IC/91/157 in terms of its position in the site and its design and appearance. The house previously approved was to be two storeys and located further towards the rear of the site.

The footprint of the proposed house is to be rectangular and the house is to be aligned in a general north to south direction. The house is to be approximately 20m long and approximately 8.8m wide excluding a small entrance vestibule on the west facing elevation at ground floor level. The proposed house is to be approximately 23m from Cowal View, approximately 2m from the east boundary. The west boundary of the site tapers and the west facing elevation of the proposed house (excluding the small projection at ground floor level) varies from approximately 3.5m to approximately 6m from this boundary. The highest part of the house is to be at its north side where it has the appearance of a two storey house. This part of the house is to be approximately 8.2m high. There is to be a recessed balcony area on the north facing elevation at first floor level that is to be the width of the house. The submitted plans also indicate a patio running along the north facing elevation at ground floor level as well as a patio along the rear elevation of the house. The rear part of the house is single storey and is approximately 5.4m high.

The main external materials are to be stone on the front elevation, white coloured render on the side and rear elevations with grey coloured tiles on the roof. The doors and windows are to be grey in colour. The side elevation (west) is to have a small entrance vestibule with two small upper windows. On the east elevation there is to be a side door and two small windows at the lower floor level with two small windows on the upper floor level with solar panels on the roof. The rear elevation is to have a door and two sets of windows.

There is to be a driveway access at the north end of the site at the bend on Cowal View with two parking spaces at the north-west side of the driveway. The driveway however does not lead directly up to the proposed house itself rather it is to be connected to the house by paths.

A retaining wall is proposed between the proposed dwellinghouse and the existing house at 31A Cowal View. The retaining wall will be approximately 1m high and run most of the length of the proposed dwelling house. The finish on the wall is proposed to match the dwellinghouse.

DEVELOPMENT PLAN POLICIES

National Planning Framework 4

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 4

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

Policy 9

- a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 15

Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported.

i. self-provided homes;

ii. accessible, adaptable and wheelchair accessible homes;

iii. build to rent;

iv. affordable homes;

v. a range of size of homes such as those for larger families;

vi. homes for older people, including supported accommodation, care homes and sheltered housing;

vii. homes for people undertaking further and higher education; and

viii. homes for other specialist groups such as service personnel.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

i. the proposal is supported by an agreed timescale for build-out; and

ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;

iii. and either:

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 15% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 20% by the end of 2022.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic environment

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

Policy 8 - Managing Flood Risk

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not: a) be at significant risk of flooding (i.e. within the 1 in 200 year design envelope); b) increase the level of flood risk elsewhere; and c) reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood protection schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the green network, historic buildings and places, and the transport network.

Policy 9 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 3rd edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place.

Policy 10 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

Policy 11 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 33 - Biodiversity and Geodiversity Natura 2000 sites

Development proposals that are likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site or if:

- a there are no alternative solutions; and
- b there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Protected Species

When proposing any development which may affect a protect species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, compensatory measures will be required.

Local Landscape Area

Development that affects the West Renfrew Hills Local Landscape Area is required to protect and, where possible, enhance its special features as set out in the Statement of Importance. Where there is potential for development to result in a significant adverse landscape and/or visual impact, proposals should be informed by a landscape and visual impact assessment.

Non-designated sites

The siting and design of development should take account of local landscape character. All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 34 - Trees, Woodland and Forestry

The Council supports the retention of ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal;
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council. This will also cover the protection of ancient woodlands and the management and protection of existing and new trees during and after the construction phase.

The **Planning Application Advice Note (PAAN) 2** on "Single Plot Residential Development" and **Planning Application Advice Note (PAAN) 3** on "Private and Public Open Space Provision in New Residential Development" apply.

Proposed 2021 Inverclyde Local Development Plan Policies

Policy 1 - Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 6 - Low and Zero Carbon Generating Technology

Support will be given to all new buildings designed to ensure that at least 20% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. This percentage will increase to at least 25% by the end of 2025.

Other solutions will be considered where:

- a) it can be demonstrated that there are significant technical constraints to using on-site low and zero-carbon generating technologies; and
- b) there is likely to be an adverse impact on the historic or natural environment.

*This requirement will not apply to those exceptions set out in Standard 6.1 of the 2017 Domestic and Non-Domestic Technical Handbooks associated with the Building (Scotland) Regulations 2004, or to equivalent exceptions set out in later versions of the handbook.

Policy 9 - Managing Flood Risk

Development proposals will be assessed against the Flood Risk Framework set out in Scottish Planning Policy. Proposals must demonstrate that they will not: a) be at significant risk of flooding (i.e. within the 1 in 200 year design envelope); b) increase the level of flood risk elsewhere; and c) reduce the water conveyance and storage capacity of a functional flood plain.

The Council will support, in principle, the flood risk management schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

The Council will support, in principle, the flood risk management schemes set out in the Clyde and Loch Lomond Local Flood Risk Management Plan 2016, subject to assessment of the impacts on the amenity and operations of existing and adjacent uses, the resources protected by the Plans historic buildings and places and natural and open spaces chapters, and the transport network. Where practical and effective, nature-based solutions to flood management will be preferred.

Policy 10 - Surface and Waste Water Drainage

New build development proposals which require surface water to be drained should demonstrate that this will be achieved during construction and once completed through a Sustainable Drainage System (SuDS), unless the proposal is for a single dwelling or the discharge is directly to coastal waters.

The provision of SuDS should be compliant with the principles set out in the SuDS Manual C753 and Sewers for Scotland 4th edition, or any successor documents.

Where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system. Where a public connection is not feasible at present, a temporary waste water drainage system can be supported if:

- i) a public connection will be available in future, either through committed sewerage infrastructure or pro-rata developer contributions; and
- ii) the design of, and maintenance arrangements for, the temporary system meet the requirements of SEPA, Scottish Water and Inverclyde Council, as appropriate.

Private sustainable sewerage systems within the countryside can be supported if it is demonstrated that they pose no amenity, health or environmental risks, either individually or cumulatively.

Developments including SuDS are required to have an acceptable maintenance plan in place, which identifies who will be responsible for maintenance and how this will be funded in the long term.

Policy 11 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

Policy 12 - Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network.

Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards.

Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 17 – Brownfield Development

The Council offers in principle support for proposals to bring brownfield sites in the urban area into beneficial use. Proposals for the temporary greening of brownfield sites will be supported where it is demonstrated that they will deliver a positive impact to the local environment and overall amenity of the area. For sites identified for development in this Plan, temporary greening projects should not prejudice the future development of the site. Proposals for advanced structure planting to create a landscape framework for future development on sites identified in the Plan will be supported. Development proposed on land that the Council considers to be potentially contaminated will only be supported where a survey has identified the nature and extent of any contamination present on site and set out a programme of remediation or mitigation measures that are acceptable to the Council and ensure that the site can be made suitable for the proposed use.

Policy 18 - Land for Housing

To enable delivery of the Clydeplan Strategic Development Plan housing supply target for Inverclyde, new housing development will be supported on the sites identified in Schedule 3, and on other appropriate sites within residential areas and town and local centres. All proposals for residential development will be assessed against relevant Supplementary Guidance including Design Guidance for Residential Development, Planning Application Advice Notes, and Delivering Green Infrastructure in New Development.

The Council will undertake an annual audit of housing land in order to ensure that it maintains a 5 year effective housing land supply. If additional land is required for housing development, the Council will consider proposals with regard to the policies applicable to the site and the following criteria:

- a) a strong preference for appropriate brownfield sites within the identified settlement boundaries;
- b) there being no adverse impact on the delivery of the Priority Places and Projects identified by the Plan;
- c) that the proposal is for sustainable development; and
- d) evidence that the proposed site(s) will deliver housing in time to address the identified shortfall within the relevant Housing Market Area.

There will be a requirement for 25% of houses on greenfield housing sites in the Inverclyde villages to be for affordable housing. Supplementary Guidance will be prepared in respect of this requirement.

Policy 20 - Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 33 - Biodiversity and Geodiversity European sites

Development proposals that are likely to have a significant effect on a European site which are not directly connected with or necessary to their conservation management must be subject to an appropriate assessment of the implications of the proposal on conservation objectives. Proposals will only be permitted if the assessment demonstrates that there will be no adverse effect on the integrity of the site either during construction or operation of the development, or if:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- c) compensatory measures are provided to ensure that the overall coherence of the network is protected.

In such cases, the Scottish Ministers must be notified.

Sites of Special Scientific Interest

Development affecting Sites of Special Scientific Interest will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised, or if any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

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When proposing any development which may affect a protected species, the applicant should fulfil the following requirements: to establish whether a protected species is present; to identify how the protected species may be affected by the development; to ensure that the development is planned and designed so as to avoid or minimise any such impact, while having regard to the degree of protection which is afforded by legislation, including any separate licensing requirements; and to demonstrate that it is likely that any necessary licence would be granted.

Local Nature Conservation Sites

Development is required to avoid having a significant adverse impact on Local Nature Conservation Sites. Any adverse impacts are to be minimised. Where adverse impacts are unavoidable, adequate compensatory measures will be required.

Non-designated sites

All development should seek to minimise adverse impact on wildlife, especially species and habitats identified in the Local Biodiversity Action Plan. Development should take account of connectivity between habitat areas. Where possible, new development should be designed to conserve and enhance biodiversity.

Policy 35 - Trees, Woodland and Forestry

The Council supports the retention of trees, including ancient and semi-natural woodland, trees covered by Tree Preservation Orders and other trees and hedgerows, which have significant amenity, historical, ecological, landscape or shelter value. Where the removal of such woodland, trees or hedgerows is proposed as part of a planning application, this will not be supported unless:

- a) it can be clearly demonstrated that the development cannot be achieved without removal; or
- b) the public benefits of the proposal outweigh the loss of trees/hedgerows; and
- c) compensatory planting will be provided, to a standard agreed by the Council.

Development affecting trees will be assessed against Supplementary Guidance to be prepared by the Council.

The **Draft Planning Application Advice Note (PAAN) 2** on "Single Plot Residential Development" and **Draft Planning Application Advice Note (PAAN) 3** on "Private and Public Open Space Provision in New Residential Development" apply.

CONSULTATIONS

Scottish Environmental Protection Agency (SEPA) – advises of no objection to the proposal on flood risk grounds.

Head of Service – Roads and Transportation – advises the following:

- Parking should be provided in accordance with the National Guidelines based on the number of bedrooms. The applicant has demonstrated the provision of two off street parking spaces, which is appropriate for a three bedroom property.
- The minimum dimensions of one space on the driveway should be 3m width by 6m length. The second should be 2.5m width by 6m.
- The driveways should be paved and be a maximum gradient of 10%.
- A visibility splay of 2m x 20m x 1.05m. This must include the neighbouring property.
- Forward visibility splay of 43m when waiting to turn right from Cowal View (towards the driveway).
- Surface water must be contained within the site.
- The footpaths within the site shall be a minimum of 2.0m wide.

Public Protection Manager - advises of no comments to make in relation to Food and Health or Air Quality. Recommends conditions relating to: if Japanese Knotweed be found, works should cease

and a remediation plan should be submitted for approval; external lighting should conform to Scottish Government guidance; and sound insulation should comply with Building Regulations.

Scottish Power – advises no objection to the proposal but have stated that LV cables may be close to the proposed site and any requirement to re-route cables will be at the applicant's expense.

PUBLICITY

The application was advertised in the Greenock Telegraph on 24th February 2023 as there are no premises on neighbouring land.

SITE NOTICES

This type of application does not require a site notice.

PUBLIC PARTICIPATION

The application was subject to neighbour notification and 12 representations were received of which 9 object and 3 are in support. The grounds of objection are summarised as follows:

- The proposed dwelling will lead to an increase in traffic during the construction period
- The development of the site will cause flooding, which in addition, may damage existing properties
- Ingress and egress from the site could be unsafe for vehicles
- The proposal requires a better traffic management plan
- Loss of trees
- Adverse impacts on the bird breeding season
- Adverse impacts on wildlife habitats
- Adverse effects from the stripping and removal of soil
- Amenity impacts from overlooking (towards Cowal Court)

The grounds of support are summarised as follows:

- Good quality design
- An appropriate addition to the local streetscape
- Positive visual impact

ASSESSMENT

The material considerations in the assessment of this application are: National Planning Framework 4; the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the adopted and draft Planning Application Advice Notes (PAAN) 2 and 3 on "Single Plot Residential Development" and "Private and Public Open Space Provision in New Residential Development" respectively; the visual impact; the impact on residential amenity; the previous planning permission; and the consultation responses.

National Planning Framework 4

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF3 and SPP no longer represent Scottish Ministers' planning policy.

The six overarching spatial principles in NPF4 are identified as:

Just transition. Empower people to shape their places and ensure the transition to net zero is fair and inclusive.

Conserving and recycling assets. Make productive use of existing buildings, places, infrastructure and services, locking in carbon, minimising waste, and building a circular economy.

Local living. Support local liveability and improve community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.

Compact urban growth. Limit urban expansion so as to optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

Rebalanced development. Target development to create opportunities for communities and investment in areas of past decline, and manage development sustainably in areas of high demand.

Rural revitalisation. Encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together.

By applying these spatial principles the national spatial strategy is to support the planning and delivery of sustainable, liveable and productive places which are to be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring the environment.

The site is brownfield land in the existing urban area and therefore is a sustainable location that is considered to be consistent with the terms of Policies 1, 2, 9 and 15 of National Planning Framework 4.

Policy 1 of National Planning Framework 4 requires that development proposal take account of the global climate and nature crisis. The proposed development is primarily an amendment to the previous planning permission IC/91/157, which remains extant. The amended design and position of the proposed dwellinghouse is considered to be an efficient use of the site.

In terms of Policy 2, development proposals should minimise greenhouse gas emissions and be designed to adapt to climate change risks. Should permission be granted a condition will be added to the consent to ensure the submission of details of low and zero carbon generating technologies. A further condition will be added requiring the installation of an electric vehicle charging point. The impact of the development in terms of flood risk shall be considered in more detail below.

Policy 15 promotes local living, including where feasible 20 minute neighbourhoods. There is no requirement for the provision of open space or play areas for this scale of development. The site is in the existing urban area and services are considered locally accessible by sustainable methods such as walking, cycling and Cowal View is a bus route. The proposed development is considered to accord in general terms with Policy 15 of National Planning Framework 4.

Policy 16 focuses on delivering new homes that are designed to a high standard and located in sustainable places. The proposal also broadly satisfies other relevant policies, as required by Policy 16 (f). The proposed dwellinghouse also is a smaller scale development within an existing settlement boundary. It should be noted that the principle of a second dwellinghouse on the site has been established by the extant consent IC/91/157.

Local Policy

The Spatial Development Strategy of both the adopted and proposed Local Development Plans directs residential development to existing built-up areas in the first instance. In this regard the site is located within the existing settlement boundary of Gourrock as identified under Policy 20 of the proposed Local Development Plan. As such this site is considered to be in a sustainable location and therefore the proposal accords in general terms with the Spatial Development Strategy.

Policy 1 of the adopted and proposed Local Development Plans require all development to have regard to the six qualities of successful places. The relevant factors in this instance are being “Distinctive” in reflecting local architecture and urban form; “Easy to Move Around” by being well connected, with good path links to the wider path network, public transport nodes and neighbouring developments; “Safe and Pleasant” by avoiding conflict between adjacent uses by having regard to

adverse impacts that may be created by flooding, invasion of privacy or overshadowing as well as minimising parking in the street scene; and “Welcoming” by integrating new development into existing communities.



View of site towards the site access and existing house at 31A Cowal View from the junction of Carnoustie Avenue with Cowal View

The site is located in the existing urban area and in the surrounding area there are a variety of house types as well as flats that have been constructed to the east. Sloping sites are a feature of the surrounding area. The proposed development would therefore not be incompatible with the surrounding area in terms of the established pattern of development. The proposed development would also be connected to the surrounding urban area by a variety of modes, including walking, with a local bus route nearby. The position and design is such that the proposed dwellinghouse is considered to relate well to the neighbouring property at 31A Cowal View and the proposed dwellinghouses at the land to the west. Plot 4 of planning application 23/0036/IC is approximately 10m from the dwelling proposed under this application. Satisfactory distances between the properties, combined with the orientation of the proposed dwellinghouse, ensure that there is no adverse impact on privacy.

Both the adopted and draft Planning Application Advice Note (PAAN) 2 on “Single Plot Residential Development” indicates that such development is often beneficial, providing additional houses in sustainable locations and removing derelict and untidy sites from the street scene. The advice indicates that: the plot size should reflect those in the locality; the proportion of the built ground to garden ground should reflect that in the locality; the distance of the building to garden boundaries should reflect that in the locality; the established street front building line should be followed; and the proposed building height, roof design, use of materials and colours should reflect those in the locality. Advice is also given on window positions and the level of car parking should accord with the National Roads Development Guide.

There are a variety of house designs and sizes of plots in the locality, with houses being constructed on sloping sites. The site layout is considered to show the house to plot ratio being in proportion without resulting in overdevelopment and therefore accords in general terms with both the adopted and draft PAAN2. It is considered the pattern of development proposed and urban form is acceptable under the terms of both the adopted and draft PAAN2.

The guidance also recommends side windows be 9m from the site boundary. Plots 3 and 4 of planning application 23/0036/IC are 8.6m and 9m from the boundary and Plot 4 is to be 1.5m from

the boundary. Window distances will be approximately 10m between the closest dwellinghouses of the respective proposed developments.

The guidance indicates that boundary treatments should be considered to protect mutual privacy. It should be noted that the proposed dwellinghouses at the land to the west are to have two narrow first floor windows to the kitchen and dining area whilst this application proposes two narrow upper floor windows on the side elevation. As window intervisibility is limited in scope it is considered that the privacy between Plot 4 of 23/0036/IC and this proposed dwelling is not unacceptably compromised.



View of exiting driveway within the site towards Cowal View

The side elevation of the proposed dwellinghouse will also face 31A Cowal View and is approximately 10m away. The side elevation of the proposed dwellinghouse is to have window openings to a dressing area and bathroom. There are no window openings to habitable rooms such as main bedroom spaces, living areas or dining areas. The principal elevation of the proposed dwelling is towards the Clyde estuary. Although there is some potential overlooking between the proposed property and 31A Cowal View this is not considered significant or unacceptable.

Planning Application Advice Note (PAAN) 3 on “Private and Public Open Space Provision in New Residential Development” indicates that open space contributes to place making as well as to be used for outdoor leisure. For small scale development of less than 10 houses PAAN3 advises that private garden ground should accord with the established density and pattern in the immediate vicinity with reference to front and rear garden sizes and distances to plot boundaries. PAAN3 also advises that public open space is not required for a small scale development of this type.

In the locality there are a variety of garden sizes associated with existing houses. Existing houses have front and rear gardens. The proposed site layout shows a front and rear garden and therefore in general terms accords with the advice in PAAN3. It is also considered that the site layout does not result in overdevelopment of the overall site. As the site is on a slope, useable rear gardens would be expected for the plot without steep gradients, which is achieved by the split-level design of the dwelling. Therefore there is to be a portion of level usable garden space to the rear.

In terms of Policy 6 of both the adopted and proposed Local Development Plans with regard to reducing carbon dioxide emissions, it is expected that the dwelling would eventually be constructed

to meet the targets set out in these policies. This matter will be addressed by a planning condition should this application be granted.

In terms of Policy 8 of the adopted Local Development Plan and Policy 9 of the proposed Local Development Plan a Flood Risk Assessment has been submitted to consider all aspects of flooding. The Assessment recommends the existing culvert grate should be replaced with a new grating system that can withstand blockage on one side and still enable free flowing of water through other sides; future maintenance of landscaping to avoid blockages to the culvert; and land drains should be installed at the back of all proposed plots and coordinated within the drainage strategy to mitigate the risk from overland runoff or springs if found during construction. There is a watercourse at the side of the site but the catchment area is too small for SEPA to include in mapping and records. SEPA does not object as the applicant has evidenced through a modelling approach and design flows that no significant risk from flooding is likely.

In terms of Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plans the development does not require to have a Sustainable Urban Drainage System (SUDS) as the proposal is for a single dwellinghouse.

Policy 33 of the adopted and proposed Local Development Plans relate to biodiversity and geodiversity however it should be noted that the site has no natural heritage or landscape designations. For non-designated sites both policies indicate that the siting and design of development should take account of local landscape character and minimise adverse impacts on wildlife as well as being designed to conserve and enhance biodiversity. A survey undertaken for the adjacent site (applied for under 23/0036/IC) found the plants and possible habitats are typical of a suburban location and no evidence of protected species was found on site. The recommendations of the survey are that any site preparation works such as vegetation removal or soil stripping is done between mid August and February inclusive to avoid the bird breeding season and the roots of trees bounding the site are protected. Recommendations are also given for best practice measures to be implemented by contractors on site. It is considered that any further site clearance works are carried out to avoid the bird breeding season unless otherwise agreed in advance in writing. Any request to carry out site clearance works during the bird breeding season will have to be accompanied with a pre-construction bird breeding survey.

Development of the site and any proposed tree removal also has implications for wildlife and biodiversity. Policy 33 of both the adopted and proposed Local Development Plans relate to biodiversity issues and indicate that planning permission will not be granted for development that is likely to have an adverse effect on protected species. The application site is not a designated site but a precautionary approach should be taken in relation to protected species. Suitable conditions can be added to any permission.

Other relevant Local Development Plan policies

Regarding other policies that are relevant to the consideration of this application, Policy 6 of both the adopted and proposed Local Development Plans seeks to ensure that all new buildings are energy efficient and that at least 15% and 20% respectively of the carbon dioxide emissions standard (rising to at least 25% by the end of 2025) reduction set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. If planning permission is granted the requirement for low and zero carbon generating technologies can be addressed by a planning condition with the details submitted for further approval. This will also ensure compliance with the terms of Policies 1 and 2 of NPF4.

Policy 8 of the adopted Local Development Plan and Policy 9 of the proposed Local Development Plan relate the managing flood risk. Policy 9 of the adopted Local Development Plan and Policy 10 of the proposed Local Development Plan require that where waste water drainage is required, it must be demonstrated that the development can connect to the existing public sewerage system or where such a connection is not feasible, a temporary wastewater drainage system can be supported if, i) a public connection will be available in future, either through committed sewerage infrastructure or pro-

rata developer contribution, and ii) the design of, and maintenance arrangements for the temporary system meets the requirements of SEPA, Scottish Water and Inverclyde Council as appropriate.

Although the site is not identified on the indicative Flood Risk maps produced by SEPA as being at risk from flooding, this is primarily because small watercourses are not included in SEPA mapping. However, there are potential flood issues resulting from development in proximity to small watercourses. SEPA requested further details from the applicant to evidence that the site is not at risk of flooding. SEPA confirmed that they are satisfied that the applicant has evidenced that flood risk is negligible.

Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan relate to promoting sustainable and active travel as well as the requirement for electric vehicle charging facilities. Development proposals, proportionate to their scale and proposed use, are required to provide safe and convenient opportunities for walking and cycling access with the site, and where practicable, include links to the wider walking and cycling network.

The proposals allow internal movement as well as connecting directly to the path network outwith the site. This is considered to accord with the terms of Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan.

In terms of electric vehicle charging facilities the requirement would be one trickle charging point. This requirement can be addressed by a planning condition in order to comply with the terms of Policy 10 of the adopted Local Development Plan and Policy 11 of the proposed Local Development Plan as well as Policy 14 b) iv) of NPF4.

Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan relate to managing the impact of development on the transport network. The Head of Service – Roads and Transportation has not raised any objections regarding the impact of this development on the roads network. The site is located within the settlement boundary and would benefit from access to public transport, although some reliance on private transport is likely. The proposal does not have any significant implications for Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan.

It is considered there is sufficient space within this application site to provide the requisite parking spaces for a single residential unit with three bedrooms. This has been confirmed by the Head of Service – Roads and Transportation. Should planning permission be granted planning conditions can be used regarding: the size of parking spaces as advised in the consultation response; the gradient of the access within the site and the formation and maintenance of the visibility splays at the vehicular access. The proposal is therefore acceptable against the terms of Policy 11 of the adopted Local Development Plan and Policy 12 of the proposed Local Development Plan.

Policy 33 of both the adopted and proposed Local Development Plans indicate that an applicant should establish whether a protected species is present, identify how it may be affected and ensure the development is planned and designed so as to avoid or minimise such impact. An ecological survey for the adjacent site concluded that the site was of low ecological value. The ground cover could indicate that ground nesting birds have some habitat potential within the site. It would therefore be prudent to attach a planning condition relating to bird breeding protection.

Consultation Responses

In terms of other matters raised in the consultation responses that have not been considered above the advice from the Head of Service - Roads and Transportation regarding the requirement for a Roads Construction Consent and Roads Bond can be addressed by advisory notes.

Similarly, the advice from the Public Protection Manager regarding external lighting and sound insulation are more appropriately dealt with as advisory notes.

Representations

With regards to the objections that have been received and not already considered in the assessment above the following comments are made. It is suggested that the development would lead to an increase in traffic during construction. The construction of a single dwelling is not a significant construction undertaking, nor are the effects long term in nature and does not warrant refusal of the application on the basis of this. It is considered the site access is satisfactory, from a safety perspective, subject to the attachment of a condition regarding visibility splays. The trees proposed to be felled and are not of high amenity value and are not covered by a Tree Preservation Order. The site has low ecological value. However, some species are mobile and it is considered prudent to protect bird species as there is a reasonable belief that the ground cover and features of the site may have the potential to support such species. There is no evidence to suggest that soil removal would impact adversely on neighbouring uses. SEPA have concluded that the presence of the watercourse does not indicate that the site is at a demonstrable risk from flooding. Amenity impacts, including overlooking, have been assessed and there is no unacceptable impact on the privacy of neighbouring residential properties.

Overall Conclusion

A second dwellinghouse on this site already has planning permission and this application relates to a change in orientation, position and design of the dwellinghouse.

In conclusion, the change in position, orientation and design of the proposed dwellinghouse are considered acceptable when assessed against the relevant policies of National Planning Framework 4 as well as the adopted and proposed Local Development Plans, including guidance in the relevant PAANs. There are no material considerations that outweigh these policies and guidance.

RECOMMENDATION

That the application be granted subject to the following conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. Development shall not commence on site until samples of all facing materials to be used in the construction of the dwellinghouse hereby permitted have been submitted to and approved in writing by the Planning Authority. Development shall proceed thereafter using the approved materials unless a variation is agreed in advance in writing with the Planning Authority.
3. Development shall not commence on site until all hard surfacing materials on the roads, paths and parking areas have been submitted to and approved in writing by the Planning Authority. The approved materials shall thereafter be used unless any alternative is agreed in advance in writing with the Planning Authority.
4. Development shall not commence until details and the locations of all walls (including retaining walls) and fences to be erected have been submitted to and approved in writing by the Planning Authority. The approved walls and fences shall thereafter be erected unless any alternative is agreed in advance in writing with the Planning Authority.
5. Development shall not commence until confirmation of connection to Scottish Water's Network has been submitted to and approved in writing by the Planning Authority.
6. For the avoidance of doubt visibility splays of 2m x 20m x 1.05m shall be maintained at all times at the vehicular entrance to the site with Cowal View.
7. Prior to the commencement of development confirmation of SEPA's acceptance and proof of CAR licence shall be submitted for approval.

8. The existing trees both within the development site and in the vicinity of the boundary of the site which are not to be felled or lopped as part of the proposals are to be protected in accordance with British Standards Recommendations for trees in Relation to Construction, currently BS 5837:2012.

9. No tree felling, lopping or scrub clearance shall take place within the main bird breeding season, March to June inclusive, and all such works will be preceded by a check for nesting birds in accordance with the Nature Conservation (Scotland) Act 2014 and the protection of wildlife. No development shall take place until details of protection measures have been submitted to and approved in writing by the Planning Authority.

10. For the avoidance of doubt the dwellinghouse shall have an Electric Vehicle Charging Point. Development shall not commence until the details have been submitted to and approved in writing by the Planning Authority. Thereafter the approved Electric Vehicle Charging Point shall be installed in their approved form at the dwellinghouse before the first occupation of the dwellinghouse approved under this planning permission.

11. For the avoidance of doubt the dwellinghouse shall be designed to ensure that at least 25% of the carbon dioxide emissions reduction standard set by Scottish Building Standards is met through the installation and operation of low and zero carbon generating technologies. Development shall not commence until details have been submitted to and approved in writing by the Planning Authority relating to the proposed low and zero carbon generating technologies to be installed in the dwellinghouse. Thereafter the approved low and zero carbon generating technologies shall be implemented in their approved form before the occupation of the dwellinghouse.

12. For the avoidance of doubt: the driveway shall have a gradient of 10% or less and the footpaths within the site shall be a minimum of 2.0m wide.

13. Development shall not commence until details of a forward visibility splay of 43m when turning right into the proposed driveway has been submitted to and approved in writing by the Planning Authority.

14. Following approval under Condition 13 above the off-street parking spaces and driveway as shown on drawings A1280-BP01 Rev A and A1280-BP02 Rev A shall be constructed and available for use prior to the first occupation of the dwellinghouse.

15. Development shall not commence until details/plans of the bin stores/containers to be used to store waste materials and recyclable materials at the dwellinghouse as well as details of the areas where such containers are to be located have been submitted to and approved in writing by the Planning Authority. Following approval the bin stores/containers shall be implemented on site by first occupation of the dwellinghouse.

16. In the event of any suspected contamination or Japanese Knotweed being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority: thereafter, site works may not recommence until a Remediation Scheme (to be submitted for the prior written approval of the Planning Authority) has been completed to the satisfaction of the Planning Authority in writing.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. To ensure the development is acceptable in appearance.
3. To ensure the development is acceptable in appearance.
4. To ensure the development is acceptable in appearance.

5. To ensure that the development has a public water connection.
6. In the interests of road safety.
7. To ensure SEPA's acceptance of the drainage regime and its discharge
8. To protect the existing trees so that they continue to contribute to the environmental quality of the area.
9. To ensure protection of the environment of breeding birds.
10. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
11. In the interests of sustainable development and to accord with the Inverclyde Council Supplementary Guidance on Energy.
12. In the interests of roads safety.
13. In the interests of roads safety.
14. In the interests of roads safety.
15. In the interests of residential amenity.
16. To ensure that any contamination and Japanese Knotweed concerns are managed appropriately.

Stuart Jamieson
Director, Environment and Regeneration

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