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|-----------------------------|--|--------------------|----------------------------------|
| <b>Report To:</b>           | <b>The Planning Board</b>  | <b>Date:</b>       | <b>4th March 2009</b>            |
| <b>Report By:</b>           | <b>Head of Planning and Housing</b>  | <b>Report No:</b>  | <b>08/0313/IC<br/>Plan 03/09</b> |
| <b>Contact<br/>Officer:</b> | <b>Jane Shields</b>  | <b>Contact No:</b> | <b>01475 712423</b>              |
| <b>Subject:</b>             | <b>Erection of 3 dwellinghouses (In outline) at<br/>Land Between Nos. 34 And 36 Dunvegan Avenue<br/>Gourock<br/>PA19</b> |                    |                                  |

## **SITE DESCRIPTION**

The application site is an area of open space which lies between nos. 34 and 36 Dunvegan Avenue, Gourock. The site was part of the formal open space provision within the residential development approved under planning permission IC/77/115 with the site on the approved plans annotated as "public open space".

## **PROPOSAL**

It is proposed to erect three dwellinghouses on the site. The submitted site plan indicates three individual houses with garages which would be physically linked and create a terrace. No further details have been submitted with this outline application.

A previous application to erect a house on this site was refused planning permission in September 2000 for the following reason:

"The loss of the area of open space would be severely detrimental to the open space and spacious character of the residential area and would remove an area where local children can play safely".

In 1992 planning permission (IC92/100) was refused for the erection of a house on another area of open space within the same residential development at the junction of Tantallon Avenue and Dunvegan Avenue, for the following reasons:

"1.The proposed form of development which relates to the erection of an additional dwellinghouse within an area originally allocated for garden ground would be inappropriate and contrary to good planning practice.

2. The proposed form of development, if approved would set a precedent for similar future developments which collectively would be detrimental to the area as a whole."

The decision was upheld on appeal with the Reporter concluding that:

"The combination of the sinuous road layout, the housing types used and the varying forms of interlinked open spaces creates a most pleasing harmonious open type of development in a

location that enjoys spectacular views across the Clyde. The public open space in the vicinity of the appeal site is well maintained and contributes to the high standard of amenity that is typical of an upper market housing development sited on the periphery of a town. As there are no examples of more recent infill of the linking open space in the immediate area, there is a pleasing balance and uniformity in the layout."

## **LOCAL PLAN POLICIES**

### **Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas**

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

### **Local Plan Policy H8 - The Character and Amenity of Residential Areas**

Proposals for residential development that are acceptable in principle in terms of the Development Strategy of the Local Plan will still be required to satisfy the following development control criteria:

- (a) compatibility with the character and amenity of an area in terms of land use, density, design and materials used;
- (b) visual impact of development on the site and its surroundings;
- (c) landscaping proposals;
- (d) open space proposals (see also Policy H11 and guidance in Policy DC1);
- (e) proposals for the retention of existing landscape or townscape features of value on the site;
- (f) assessment against the Council's Roads Development Guidelines 1995 with regard to road design, parking and traffic safety;
- (g) provision of adequate services; and
- (h) accommodation of, in appropriate cases, the requirements of bus operators regarding road widths, lay-bys and turning areas.

### **Local Plan Policy LR1- Safeguarding Open Space**

Inverclyde Council, as Planning Authority, will support, safeguard and where practicable, enhance:

- (a) areas identified as 'Open Space' on the Proposals Map;
- (b) other areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges; and
- (c) where appropriate, encourage other relevant and compatible development for the purposes of leisure, recreation and sport.

## **CONSULTATIONS**

**Head Of Environmental Services** – A Flood Risk Assessment and Drainage Impact Assessment are required. Access should be taken via a footway crossover constructed in accordance with the Council's Roads Development Guide. The maximum driveway gradient should not exceed 10% and all site surface water runoff should be intercepted within the development site. A minimum driveway length of 2.0 metres from the roads boundary should be constructed in impervious material. Car parking should be provided within the curtilage of the development in accordance with the guidelines.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 9th January 2009 as a Potential Departure from the Development Plan.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

Eight letters of representation have been received (copies enclosed). The nature of the representations can be summarised as follows:

1. A previous application to build a house was refused planning permission.
2. The ground is designated as open space.
3. The development of the site would remove a public amenity.
4. Development of the site would be contrary to the burdens on the title deeds.
5. The proposals would lead to an increase in road traffic.
6. The site has been unattended by the current owner.
7. Development of the site would affect the privacy and amenity of neighbouring dwellinghouses.
8. There is no demand for houses in this area.
9. The development of the site would impact on house values.

## **ASSESSMENT**

The material considerations in the assessment of this application are the Development Plan, consultation response, the representations received and the previous refusals of planning permission within this residential area.

The site is covered by Policy H1 which states that the character and amenity of existing residential areas should be safeguarded, and where practicable, enhanced. I am of the opinion that developing this area of open space would impact on the spacious nature of the residential area and thereby detract from the residential amenity of the area. The proposal is therefore contrary to Local Plan Policy H1. Policy H8 sets out criteria for proposed residential development which is acceptable in principle. In view of the conflict with Policy H1 the principle of developing this site is not acceptable and assessment under the stated criteria is not therefore required. Policy LR1 states that the Council will support, safeguard and where practicable, enhance areas of open space of value in terms of their amenity to their surroundings and to the community and their function as wildlife corridors or wedges. The open space provided within the original development was in accordance with the earlier Development Plan which required public open space to be provided at a ratio of 0.16 hectares per 1000 population of which children's play areas and kick-about areas was to comprise of 0.32 hectares. The local residents clearly value this area of open space which is used for informal recreation by local children and approval of the proposals would be contrary to Policy LR1.

I note the observations of the Head of Environmental Services. If the Council were minded to approve the development then consideration of the application would require to be continued to request the applicant to submit a Flood Risk Assessment and Drainage Impact Assessment. The other matters raised could be dealt with by way of conditions.

Examining representations received and not previously addressed in this assessment, title burdens, housing demand and house values are not determining issues in this instance.

The previous refusals of planning permission are, however, material considerations. There is no change in circumstances which would merit my making a different recommendation.

## **RECOMMENDATION**

That the application be refused

### **Reasons**

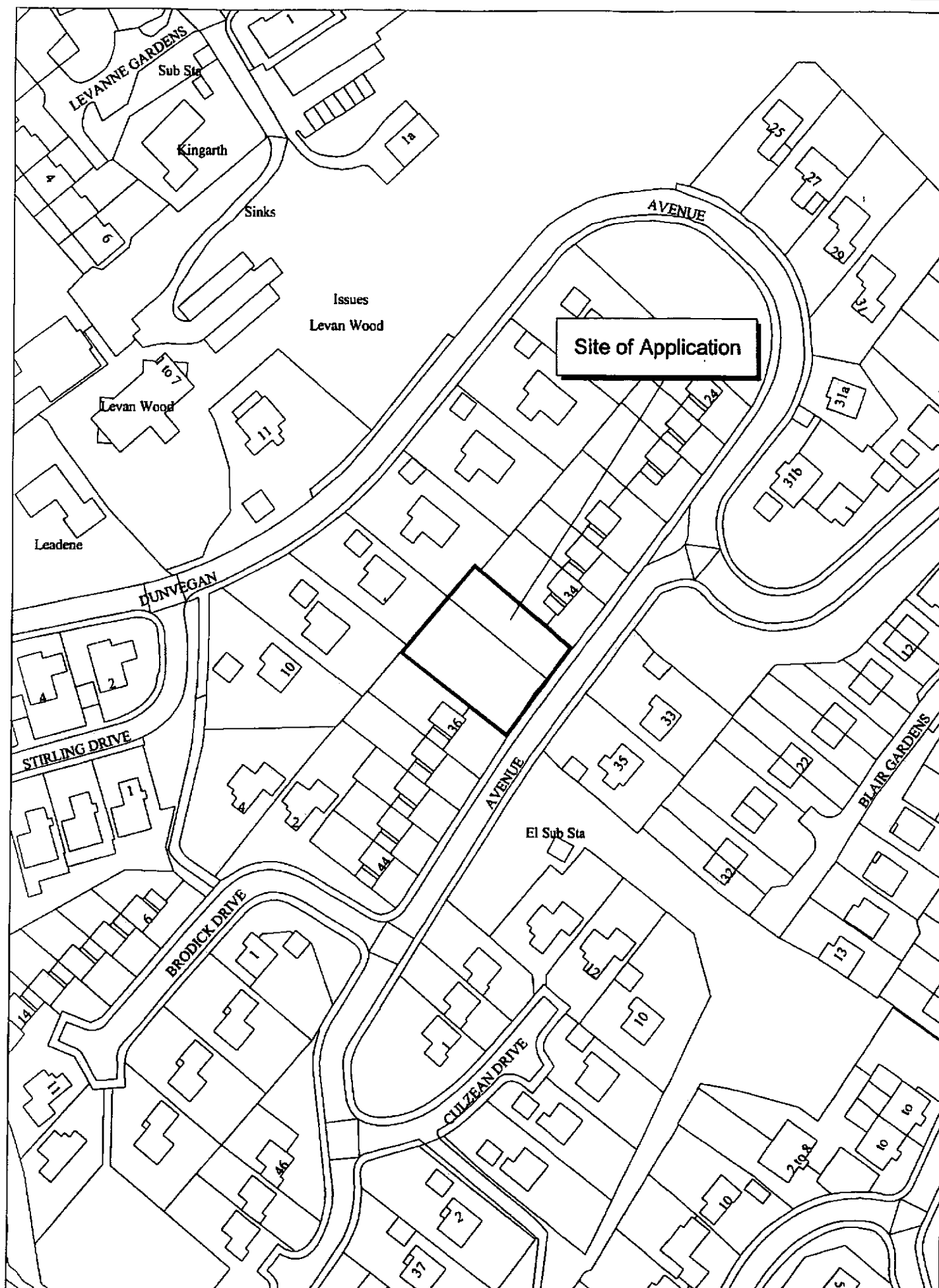
1.The loss of the area of open space would be severely detrimental to the open and spacious nature of the residential area and would remove an area where children can play safely, which would be contrary to Local Plan Policies H1 and LR1.

**F. K WILLIAMSON**

Head of Planning and Housing

## **BACKGROUND PAPERS**

- 1.Application Form.
- 2.Application Plans.
- 3.Consultation response.
- 4.Representations received.
- 5.Inverclyde Local Plan.



Date: 10:02:09

Drawn: JML Drg. No. 08/0313/IC

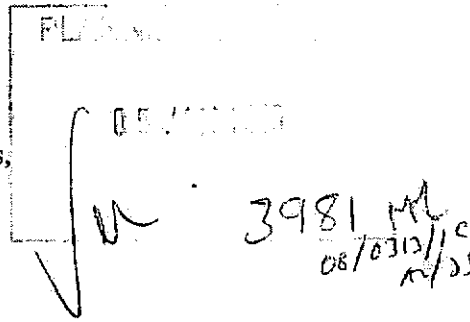


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**Inverclyde**  
council  
planning and housing

# EXTRACT OF LETTER

Head of Planning Services,  
Inverclyde Council,  
Cathcart House,  
6, Cathcart Square,  
Greenock.  
PA15 1LS



35, Dunvegan Avenue,  
Gourock.  
PA19 1AE  
23<sup>rd</sup> December, 2008  
Tel: 01475 637601

## **OBJECTION TO PLANNING APPLICATION,** **DUNVEGAN AVENUE, GOUROCK.**

Dear Sir,

On 22<sup>nd</sup> December 2008, I received notice of an Application for Planning Permission to erect three houses on the public open space between 34 and 36 Dunvegan Avenue.

Over the past two years I have contacted Cllr. Ahlfeld several times regarding this site and the dire state into which it has sunk under Mr. Yousif's 'care'.

I assure you that this is not so. In fact it has made residents of this estate even more adamant that this land should not be built on, but returned to Council ownership for amenity purposes, like all other open spaces on the estate.

I have discussed previously with Cllr. Ahlfeld the possibility of someone building on this ground and he has assured me, after consulting the Planning Department that the Council would not allow any one to build on this site. I trust that the Council will adhere to that policy. Nevertheless this Application has now appeared to the dismay of residents in Dunvegan Avenue.

As you are aware, residents have only fourteen days to object. But how can that be reckoned a fair period if the Planning Office is closed and/or residents are on holiday at this time?

I wish therefore to raise the following objections to Mr. Yousif's proposals:

As per the original plans when this estate was built, the open space on which Mr. Yousif wishes to build should be returned to the care of the Council and transformed, as per the original plans, into a Public Open Space, with a play area for children and perhaps some park benches for the residents to enjoy each others' company and the views which we are so lucky to share in Gourock. The loss of such a space would be severely detrimental to the open and spacious character of the Castle Levan Estate. To turn what was once a proposed public open space into a building site would be detrimental to the children of the estate who are surely entitled to have an area where it is safe for them to play. Why should the children of this estate not have facilities

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## EXTRACT OF LETTER

-2-

comparable to those insisted upon by the Planning Department for the Cala/Charles Church Estate, where they have a safe and designated play area for children? I should also point out the danger of injury to the many children in this area, were this to become a building site with heavy traffic and large vehicles entering and leaving what is a safe and a settled community for the duration of the build.

I fear further that the building of these three houses would result in the devaluation of the surrounding properties, which at this time of financial difficulty is, I would suggest, the last thing with which the Council should wish to burden already hard-pressed young families.

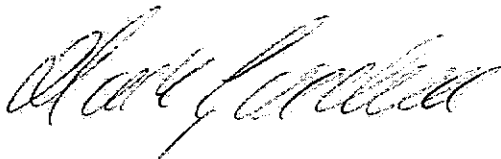
The area in which we live is a very close-knit community where all the neighbours are good friends. Indeed that was one reason for my moving back into the area. Allowing a development like this to go ahead could create resentment toward the new residents of the new builds. This in turn could alter the whole dynamic of the community and would be unfair to those who have lived here for many years and enjoyed the good community spirit as well as the open spaces which the estate affords.

Last but not least, I would caution the Council to beware setting a dangerous precedent should they allow this proposal to go ahead.....in that developers might be eager to seize on all the open spaces on the Levan Estate to the detriment of the whole community. I am aware that a similar planning application was made and rejected, for good reason, by the Council in September, 2000 and would urge the Planning Department to advise the Council of the need for continued consistency with regard to the present application.

I trust that the views of my neighbours and myself will be considered seriously before a decision is reached. In the meantime I shall be in touch with Cllr. Ahlfeld to make him aware of the strength of feeling locally on this matter.

I thank you for your time and consideration in reading this letter and would be most grateful if you would keep me informed of any further developments on this matter.

Yours faithfully,



Mark J. Gardner.

EXTRACT OF LETTER

01 JAN 2008  
✓ W 3982  
02/07/10  
A.J.S

14 Dunvegan Ave  
Gourock  
PA191AE  
01475 639925

31.12.2008

Subject Open area Dunvegan Avenue

Dear Sirs,

I object to the proposed planning application at Dunvegan Avenue for the following reasons.

1. The provision of open space (not gap site) was part of the original conditions placed on the builders by the local council to ensure a pleasant environment, maximise open space and reduce housing density.
2. All of the properties around this site were bought on this promise.
3. Previous applications to build on this site have been rejected by the local planning authority and supported on appeal by the Scottish Office. Nothing has changed and one wonders why this has come up again.
4. There is no demand for housing in this area since 2 houses around the open space have been up for sale for approx one year and still unsold. The new development at the Gantock will create 100+ new homes.
5. The proposed houses will look directly into the upper bedrooms and back garden of my property, limiting privacy, and blocking out direct sunlight for a few hours each morning.
6. Concerned that natural drainage will be disturbed and cause intermittent flooding to my property and that of surrounding neighbours.
7. Gross impact to value of housing around site and undue pressure on those already trying to sell.

This site was originally owned by Henry Boot and well maintained by the local council and used constantly by local children.

There is no justification to change the status quo and the present owner should be directed to clean up the site and maintain it in compliance with the original concept. Previous complaints to the council have been basically ignored.

Yours faithfully

G Canning





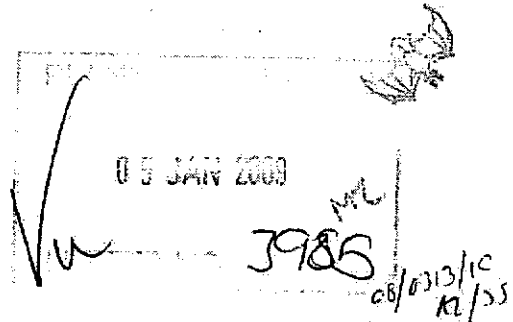
EXTRACT OF LETTER

**VICTOR & RUTH GILLIES.**

Diubaig  
34 Dunvegan Avenue  
Gourock  
Renfrewshire  
PA 19 1AE  
Phone (01475 639008)  
Vgillies@tiscali.co.uk  
12/23/2008

Head of Planning Services,  
Cathcart House,  
6 Cathcart Square,  
Greenock,  
PA15 1LS.

Dear Sir,



**Re Gap Site between 34 and 36 Dunvegan Avenue Gourock.**

I refer to a notification we received today of an application for Planning permission - in outline- for three houses to be built on this site.

My wife and I have been residents of this estate for over twenty five years. From the outset we were assured this site was to be an essential play area for children in the neighbourhood.

We have in our possession the original drawings that confirm this as open space.

Until approximately nine years ago the site proved to be an invaluable local resource and a safe meeting point for children in respect of outdoor activities.

It was maintained to a very high standard by the council with the grass being cut on a very regular basis.

We recall that Messer's Henry Boot Builders applied to build two houses on the site around this time and planning permission was refused in 2002.

We also have in our possession a copy of the grounds given for refusal at this time.

## EXTRACT OF LETTER

**The current owner having acquired the land from Messer's Boots erected a barrier that dissuaded children from using it.**

**This was in the summer of 2003.**

**With exposure to the elements and lack of maintenance what is left of this barrier along with the totally unkempt ground is nothing short of hazardous.**

**With growth in the summer months it has been accurately described as a wilderness.**

**One wonders if such a state of untidiness would be tolerated in a Local Authority estate.**

**Some irresponsible dog owners allow their pets to foul there and the reality is that children have no option but to ignore it for their use.**

**They can often be seen playing on what is a very busy road.**

**Bearing in mind a previous refusal of an application for two houses this current proposal for three houses in our view beggars belief!**

**It is surely contrary to the original plan for this location and if granted would be a precedent for similar developments in this district of ours?**

**Quite apart from this, so called developers are in our view too keen to make a fast buck by filling every gap site in the district with housing!**

**In so doing this can only cause damage to our environment!**

**This site is certainly not suitable for a development of this kind and it will be very strongly resisted in this estate.**

**While we recognize the maintenance of the site is an issue we urge the committee to refuse the application and ensure the retention of the**

## EXTRACT OF LETTER

**open space as originally planned.**

**We would hope the council could examine the possibility of acquiring this land and return it to its original condition as a well maintained open space?**

**We look forward to hearing further from you,**

**Yours Sincerely,**

A handwritten signature in black ink, appearing to read "Victor and Ruth Gillies", written over a horizontal line.

**Victor and Ruth Gillies.**

# EXTRACT OF LETTER

Shari Fraser & Craig Wright  
16 Dunvegan Avenue  
Gourock PA19 1AE  
Scotland  
Tel. 01475 630570

4/01/09

Dear Inverclyde Council (Head of Planning Services),

OBJECTION REGARDING PLANNING PERMISSION APPLICATION BY MR W  
YOUSIF – ERECT 3 No DWELLINGS, DUNVEGAN AVENUE, GOUROCK.

Please find our objections below as follows:

- 1) Land has been left unattended by owner for numerous years, he could have at least paid attention to it before now i.e.  
his proposed development is not in the community's interest in current financial housing market climate.
- 2) Current financial climate - #35 & #10 Dunvegan Avenue have been on the market for approximately 10 months, without selling. Do we need another 3 properties in current climate?
- 3) Previous property known to be owned by applicant (Dunrobin Drive) was rented out and garden area was not kept in good condition. (e.g. old car parts, tyres, exhausts, engines etc) Concerns were raised by local residents, applicant did nothing. This does not leave us feeling comfortable with proposed applicants plans and attitude to community.
- 4) Privacy – we have concerns around our property being overlooked by 3 no. dwellings proposed. Out of 12, 14 & 16 Dunvegan Avenue residents, we (#16) are the highest elevated, thus maximum exposure from proposed 3 no dwellings.
- 5) Noise pollution – increased residents in our neighbourhood, directly adjacent to our back garden, plus increased noise levels during build work.
- 6) Increased traffic levels. Goes without saying.
- 7) Privacy – if proposed build goes ahead, then our current south / east view (rear facing) changes from aesthetically pleasing to roof levels and back windows vista. Not desirable from our prospective.
- 8) We received notification letter on 23/12/08, it was dated 22/12/08, this in our opinion was a “cheeky” time to inform our neighbourhood of proposed application, given public holidays, weekends, vacation times etc.

Hardly fair in our opinion, PTO

8) Continued .....

Is this the way the applicant proposes to communicate and build good working relationships with neighbours. This does not fill us with confidence. Christmas and New Year time letter was not deemed "appropriate" by us. Maybe outwith applicant's control, but still leaving us feeling doubtful of plans.

9) Current financial climate – quality build? Or cheap build with current market necessitating rental, does this mean mirror image issues relating to applicants previous disregard for neighbours concerns / vista etc. Please see point 3 regarding Dunrobin Drive concerns.

Please do not hesitate to contact us if you want to discuss this further.

Best Regards

S Fraser (signed)  
4/01/09

Craig Wright (signed)  
4/01/09

Enc. Original "Notice for Service by Applicant on Neighbouring Parties", showing date of 22/12/08, not hand delivered until 23/12/08!

**TRANSCRIBED FROM ORIGINAL LETTER.**

Mr + MRS ALLAN D BEATON  
33 DUNVEGAN AVE  
GOUROCK  
PA19 1AE.

PHONE 01475 659328

24<sup>TH</sup> DEC 2008

DEAR SIR,

APPLICATION FOR PLANNING PERMISSION FOR PROPOSED DEVELOPMENT  
AT GAP SITE DUNVEGAN AVE GOUROCK BY MR W. YOUSIF TO ERECT 3No  
DWELLINGS.

I REFER TO THE ABOVE APPLICATION ON BEHALF OF MR. YOUSIF DATED  
22/12/08 I AM CONCERNED AS THE SITES STATED AREA DESIGNATED OPEN  
SPACE AND STATES SO IN MY TITLE DEEDS IT WOULD THEREFORE BE AN  
EROSION OF A PUBLIC AMENITY IF THE APPLICATION WAS GRANTED TO  
ERECT 3 No DWELLINGS ON THIS GAP SITE. IT WOULD SPOIL THE  
PREVIOUS GOOD PLANING OF OUR LITTLE AREA, I HAVE LIVED HERE FOR  
30 YEARS AND MY OWN CHILDREN AND MANY OTHERS OVER THE YEARS  
UP TO PRESENT DAY ENJOY THE OPEN SPACE TO PLAY IN AND WITHOUT IT  
WOULD BE FORCED TO PLAY ON THE ROAD THUS ENDANGERING THEM  
AND OTHER ROAD USERS. I AM ALSO WORRIED ABOUT THE EXTRA ON  
STREET PARKING THAT THIS DEVELOPMENT WOULD CREATE ON AN  
ALREADY BUSY NARROW ROAD NEAR A VERY DANGEROUS BEND IN THE  
ROAD. COULD I ALSO STATE THAT ANY BUILDING'S ON THIS SITE WOULD  
BE CONTRARY TO THE ORIGINAL CONDITIONS IMPOSED ON HENRY BOOT  
HOMES WHEN OUR HOUSES WERE FIRST ERECTED 30 YEARS AGO. I TRUST  
THAT YOU WILL GIVE DUE CONSIDERATION TO MY OBJECTIONS TO THIS  
DEVELOPMENT AND REFUSE THIS APPLICATION. AS IT WAS IN THE YEAR  
2000.

YOURS FAITHFULLY

Allan D Beaton (signed)

Kathleen Beaton (signed)

TRANSCRIBED FROM ORIGINAL LETTER.

7 CULZEAN DRIVE  
GOUROCK  
PA19 1AW  
8/1/09.

Dear Sir.

Following a conversation with my close neighbour at 15 Dunvegan Ave, he advised me of a planning application for the open ground opposite his home. I emailed our councillor Ronnie Ahlfeld and his response was to write to planning Dept with my concerns.

I would like to object to this building application on the same grounds as approx four years ago when we considered that the open spaces opposite number 15 Dunvegan Ave, and the similar open space in front of my home facing onto Dunvegan Ave should be retained as an open space for recreation for the children in the surrounding area. An example of this is my son Robbie who has played football on these spaces and went on to play for Gourock YAC, and St Andrews boys club, up to under 15 level.

I consider this as good use of an area of which it was intended.

Yours Sincerely

Robert Craig (signed)

**TRANSCRIBED FROM ORIGINAL LETTER.**

12 Culzean Drive  
Gourock  
PA19 1AW  
20<sup>th</sup> January 2009

Head of Planning  
Inverclyde District Council  
Cathcart House  
5 Cathcart Square  
Greenock  
PA15 1LS

Planning Application Ref. 08/0313/1C

Dear Sir,

With reference to the planning application by Mr Yousif to erect three dwelling houses in Dunvegan Avenue, Gourock, I would like to make the following representations about this application:

1. An application by Henry Boot plc to build one dwelling house on this land was refused in year 2000.
2. This land is a designated public open space.
3. To build three houses on this land would remove a public amenity which was part of the original plan by Henry Boot plc when the estate was being built.
4. Increased road traffic should also be taken into consideration.
5. To build three houses on this land would remove a safe play area for local children which are at a premium in the immediate area.

I trust these representations are taken into account and the application is refused.

Yours faithfully

*R. Tosh*

Robert Tosh

20 JAN 2009

40  
4200  
16/01/09  
08/02/10

*[Handwritten mark]*



5 Culzean Drive  
Gourock PA19 1AW

RefNo. 080313/IC

14<sup>th</sup> January 2009-01-28

Dear Sir,

With reference to the proposed planning application by Mr Yousif to erect three dwelling houses in Dunvagan Avenue Gourock I would like to make the following representations.

1. A previous application by Henry Boot to build one house on this ground was refused in the year 2000.
2. This ground is a designated open space.
3. To build three houses would be a removal of a public amenity which was built into the original plans granted to Henry Boot when the estate was being built.
4. Contradiction to the burdens section of my house title which states that the areas between the respective dwelling Houses shall remain unbuilt on in all time coming.

I hope the Council will take my comments into consideration and reject this planning application.

Yours sincerely

Alexander Harvie

(ALEXANDER HARVIE)

TRANSCRIBED FROM ORIGINAL LETTER