

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 23/01046/PP

Planning Hierarchy: Local Application

Applicant: Mrs Dawn Anderson

Proposal: Proposed alterations to widen driveway entrance

Site Address: 50 Charlotte Street Helensburgh Argyll And Bute G84 7SR

DECISION ROUTE

Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997

(A) THE APPLICATION

i) Development Requiring Express Planning Permission

Proposed alterations to widen driveway entrance

ii) Other Specified Operations

None

(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be **refused** and reasons appended to this report.

(C) HISTORY:

97/00228/DET and 97/00578/LIB

Alterations and extension to dwellinghouse

Approved 25.06.1997

21/00299/PP and 21/00300/LIB

Installation of satellite dish and two cctv cameras

22/00597/LIB

Re-painting of eaves and soffits (with Farrow and Ball black paint)

29.06.2023

22/00599/PP and 22/00600/LIB

Internal alterations to ground floor layout, replace glazed walkway with solid timber walls, replace existing windows with crittal windows, and change south facing window with french door opening, formation of new steps, clad garage gable wall and formation of additional parking

09.11.2022

22/00171/ENFCON – Enforcement notice

Change of access, formation of hardstanding and formation of parking area. – The notice relates to the removal of the grass verge and replacement with hardstanding to widened the existing access and create an area for parking vehicles. The works were unauthorised and the notice required the owner to stop utilising the land for parking, remove the hardstanding and re-instate the grass verge to the land affected.

23/01047/LIB

Alteration to straighten edges of existing driveway between existing gate posts
Application returned

(D) CONSULTATIONS:

Roads Helensburgh and Lomond - 04.08.2023

On review of the proposed, the access opening within the wall does not correspondingly increase in width. As such, the proposed widening would not support access or egress to the property. Any subsequent widening of the access over the verge could however be considered as an approved location for off street parking, a function which is not supported due to its proximity to a bend, limited visibility and the inability for a vehicle to enter and leave in a forward gear. I confirm Roads **refuse** the proposed as the widening works do not support a widened access route within the existing wall and, therefore consider the proposed widening works may be considered as an approved provision for vehicle parking within the verge.

(E) PUBLICITY:

Advert Type: Listed Building/Conservation Advert

Expiry Date: 29.06.2023

(F) REPRESENTATIONS:

i) Representations received from:

Objections

Dr And Mrs Thomson, 48 Charlotte Street, Helensburgh, Argyll And Bute, G84 7SD
22.06.2023, 10.07.2023, 21.08.2023 and further comments on 24.11.2023

ii) Summary of issues raised:

The points raised can be summarised as follows:

- i. The widening is unnecessary as the entrance is already at least double vehicle width so more than sufficient for residential 'entering' purposes

Comment: *The Area Roads Engineer has commented on this issue and this is addressed in the assessment within Section (P) below.*

- ii. The proposal to widen the entrance to 6.3m would provide tripe parking on the verge (as objected to previously by the Roads Dept)

Comment: *This is addressed in the assessment within Section (P) below.*

- iii. There are various comments in relation to the streetlight that was moved from outside number 50 to outside number 48 and is considered to be impacting on number 48 and also in relation to loss of light at the bend.

Comment: *This issue does not have a material bearing upon the planning aspects of the case. The lamppost has been relocated and this is not subject to planning permission. Class 30 within the General Permitted Development Order (as amended) gives provisions for erection, maintenance, improvement or other alteration by a local authority of street furniture required in connection with the operation of any public service administered by them.*

- iv. Concerns raised about impact on natural and built environment, namely that the widening would see more of Helensburgh's grass verge heritage being lost (as objected to by the Community Council previously) and also it is the only household on Charlotte Street from Parklands School north that already parks permanently on the verge and it generally affects the appearance of the street.

Comment: *This is addressed in the assessment within Section (P) below.*

- v. The entrance on the roadside verge is used currently as a parking bay for 2-3 vehicles which rarely, if ever, enter the courtyard or builders-yard within.

Comment: *This is noted and has been observed on site visits.*

- vi. Traffic, parking or access problems – this proposal jeopardises public safety with multiple parking on the verge at this blind corner and right-angled bend.

Comment: *The road safety aspects of the application are addressed in the assessment contained in Section (P) below.*

- vii. A number of comments have been made in relation to the planning application forms, submitted plans including the omission of the streetlight in the proposal description, questioning whether pre-application discussions have taken place, trees have not been marked on the drawings, the statement regarding ownership is incorrect as Luss Estates own the verge, the location plan not matching the Registers of Scotland.

Comment: *It is ultimately the responsibility of the applicant and agent to ensure that accurate information is contained in the submitted documentation and plans and that the proper procedures are followed. There is no requirement for a location plan to match the Registers of Scotland map.*

- viii. There are no made-up pavements along the entire length of upper Charlotte Street on either side, the grass verge therefore acts as pavements for safe passage of all pedestrians at this location, particularly at this blind, hill summit bend. The consultant is concerned that there is a lack of space on the right of access for safe passage of any occasional visitor to number 50 but the safety of the general public using upper Charlotte Street – who would be forced to use the road – therefore posing a safety issue for the general public not those using number 50. Photographs have been submitted to show that there is ample room for a pushchair or wheelchair to access the pedestrian gate of no.50 without having to cross the grass verge. Photographs of parking on the verge on East Rossdhu Dv was due to a skip being sited temporarily unlike the skips at number 50 which have been there for 2 years.

Comment: *The public safety aspects of the application are addressed in the assessment contained in Section (P) below.*

(G) SUPPORTING INFORMATION

- i) Environmental Statement: Not Required
- ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: Not required.

- iii) A design or design/access statement: No
- iv) A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:

Modus Transport Solutions - The layout of the existing driveway is historic and does not meet current requirements with respect to private residential driveways. At present, the existing driveway does not provide sufficient space for access in and around a vehicle parked on the driveway without the need to use the adjacent grassed area which more often than not is muddy and not suitable for pushchairs or more importantly wheelchair access. The driveway proposals would allow easier access to a parked vehicle while at the same time allowing a safe and direct route to the pedestrian entrance to the property. It is the professional opinion of Modus Transport Solutions Ltd that the driveway proposals at 50 Charlotte Street, Helensburgh, will provide a safe and modern driveway layout to meet the requirements of all users without compromising road safety in the area.

Supporting Statement by Anderson Strathern – The proposal is squaring off the driveway rather than widening the driveway. Reference is made to the SCOTS roads development guide stating that the driveway falls short of the threshold 'private access will require to accommodate the numbers and types of vehicles using the access in a safe manner' in terms of safety and access. Reference is made to parking arrangements on East Rossdhu Drive stating the proposal mirrors the parking arrangements.

(H) PLANNING OBLIGATIONS

None Required

(I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:

(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

National Planning Framework 4 (Adopted 13th February 2023)

Part 2 – National Planning Policy

Sustainable Places

NPF4 Policy 7 – Historic Assets and Places

Liveable Places

NPF4 Policy 14 – Design, Quality and Place

Argyll and Bute Local Development Plan (March 2015)

LDP DM1 – Development within the Development Management Zones

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment LDP 9 – Development Setting, Layout and Design

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance (2016)

SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas

SG LDP Sustainable Siting and Design Principles

(ii) List of other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.

Planning History

Consultation Responses

Third Party Representations

An Appraisal of the Conservation Areas of Helensburgh 2008 by Helensburgh Conservation Area Group and Argyll and Bute Council

Argyll and Bute Proposed Local Development Plan 2 (November 2019)

The Examination by Scottish Government Reporters into the Argyll and Bute Proposed Local Development Plan 2 (PLDP2) has now concluded and the Examination Report has been published. The Examination Report; the PLDP2 as recommended to be modified by the Examination Report; and the published Non Notifiable Modifications are material considerations in the determination of all planning and related applications.

PLDP2 Policies (as recommended for modification) relevant to the current application are as follows:

Policy 01 – Settlement Areas

Policy 05 – Design and Placemaking

Policy 10 – Design – All Development

Policy 15 – Supporting the Protection, Conservation and Enhancement of our Historic Built Environment

Policy 35 – Design of New and Existing, Public Roads and Private Access Regimes

Policy 39 – Construction Standards for Private Accesses

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment : No

(L) Has the application been subject of statutory pre-application consultation (PAC):

No Pre-application consultation required

(M) Has a sustainability check list been submitted: No

(N) Does the Council have an interest in the site: No

(O) Requirement for hearing: No

(P)(i) Key Constraints/Designations Affected by the Development:

Helensburgh Upper Conservation Area

Listed Building

(P)(ii) Soils

Agricultural Land Classification:

Built up area – n/a

Peatland/Carbon Rich Soils Classification:

Class 1

Class 2

Class 3

N/A

Peat Depth Classification:

N/A

Does the development relate to croft land? Yes No

Would the development restrict access to croft or better quality agricultural land? Yes No N/A

Would the development result in fragmentation of croft / better quality agricultural land? Yes No N/A

(P)(iii) Woodland

Does the development result in loss of trees/woodland? Yes No

Does the application include any replacement or compensatory planting? Yes No details to be secured by condition N/A

(P)(iv) Land Status / LDP Settlement Strategy

Status of Land within the Application Brownfield Brownfield Reclaimed by Nature Greenfield

ABC LDP 2015 Settlement Strategy

LDP DM 1

- Main Town Settlement Area
- Key Rural Settlement Area
- Village/Minor Settlement Area
- Rural Opportunity Area
- Countryside Zone
- Very Sensitive Countryside Zone
- Greenbelt

ABC LDP 2015 Allocations/PDAs/AFAs etc:
N/A

ABC pLDP2 Settlement Strategy

- Settlement Area
- Countryside Area
- Remote Countryside Area
- Helensburgh & Lomond Greenbelt

ABC pLDP2 Allocations/PDAs/AFAs etc:
N/A

(P)(v) Summary assessment and summary of determining issues and material considerations

Background and Proposal and Site Description

Planning Permission is sought for the widening of a vehicular access onto Charlotte Street within the verge abounding the street in front of the dwellinghouse known as '50 Charlotte street', which is a residential property within the Helensburgh Upper Conservation Area. The house to which this relates is the former coach house to Halpland (48 Charlotte Street) and are part of the same listing building designation, which is a Category B. The listing describes the houses as: 48 Charlotte Street, Halpland Including Boundary Walls and Gatepiers, And Former Coach House, 50 Charlotte Street. In previous permissions the former Coach House is also known as 'the mews'. It has an established use as a residential property separate to Halpland despite no record of a former application for subdivision. The house has been extended as part of the application 97/00228/DET and within this permission is full details of the available parking and turning and the approved widening of the entrance at that time. The house is 2x bedroom and within the courtyard there is a garage for one car and parking and

turning for one car. This meets the required parking standards for a 2 bed house at the time and also meets the current parking requirements within the LDP.

The site lies at the top end of Charlotte Street where there is 90 degree turn on to East Rossdhu Drive. The driveway entrance is approximately 17m from the corner. There is another driveway access to the north approximately 9m from the site. This driveway accesses the property known as Southdene, 52 Charlotte Street.

The driveway for 50 Charlotte Street (relating to the proposal) has been subject to enforcement action in relation to the changes to access, formation of hardstanding and formation of parking area. The notice required the applicant to: "Stop utilising the land for parking, remove the hardstanding and re-instate the grass verge to the land affected." This was not complied with within the 2 month timeframe – 17th March 2023 but the applicant decided to submit this retrospective application which was not encouraged.

Helensburgh is designated as '*Main Settlement*' in the Local Development Plan and the Policies of NPF4, LDP 2015 and PLDP2 (as recommended for modification) generally advocate a variety of scales and forms of development in this type of settlement subject to compliance with other relevant Development Plan policies and supplementary guidance. The determining issues are road safety, effects on the character of the environment (built/natural). These issues are examined in turn below.

Road Safety

The Area Roads Engineer's comments set out that there is a road safety concern in relation to widening the access and recommend refusal of the application on the grounds of road safety. Given this is the main concern relating to this case then this is explained in more detail.

The main points are that:

- The existing access is approx. 3.5m wide and can accommodate one vehicle entering the property alongside safe pedestrian access alongside (noting the average car width is 1.8m leaving).
- The applicant argues that they require to widened the access to create safe pedestrian access to their property (not provide additional parking) but the current driveway is adequate for safe pedestrian access (as explained above).
- It is not a shared driveway so there is no requirement for this driveway entrance to be any wider than 3m.
- The applicant refers to SCOTs National Roads Development guide which states that "private vehicular access to developments will require to accommodate the numbers and types of vehicles using the access in a safe manner". The applicant claims the driveway falls short of this threshold in terms of safety and access. Argyll and Bute Roads Manager has confirmed that the access is suitable for the numbers and types of vehicles that would be using a 2 bedroom property.
- The proposed access is to be widened (or as the applicant describes it – squared off) to 6.3m across the whole driveway, thus allowing two cars to be able to park side by side.
- The access is located near to a bend and visibility is poor at this corner of Charlotte Street and East Rossdhu Drive. A standard visibility of 42 x 2.4 x 1.05 metres for a 30mph zone cannot be met at this location.
- The current driveway can be satisfactorily utilised by vehicles of 50 Charlotte Street and they can enter the properties parking area, park and turn within the grounds of the property and then exit in a forward gear and not reverse on to the street when there is poor visibility.
- The applicant's supporting statement refers to another decision in a rural area of Argyll and Bute where a driveway was widening. This is within a different location, setting and is not relevant to this case.
- The applicant's supporting statement draws attention to the Scottish Government's Designing Streets policy which states that "on-plot parking may be suitable when considered in terms of overall street profile". The applicant claims that on reviewing

other driveways on East Rossdhu Drive that the proposed development mirrors existing parking arrangements on the verge. The applicant is thereby admitting that the widening/squaring off will allow parking on the verge.

- It is expected that the widening of the driveway will encourage parking on the verge (which is currently taking place) where cars are reversing out on to the street.
- It is recognised that the street is lightly trafficked but reversing out on to a street where there is poor visibility is considered a road safety concern.

It is therefore considered that the proposal does not accord with the Development Plan policies namely LD 11 Improving our Connectivity and Infrastructure and SG LDP TRAN 4 which sets out the construction standards to be applied in relation to a private driveway on to a public road, given the widening of the driveway is unnecessary and even though it is not proposed to be used for parking, it will encourage vehicles to park here and they will have to reverse on to the street near a bend where there is poor visibility. It would also be contrary to the Proposed LDP Policy 35.

Pedestrian Safety

The objector raised issues relating to pedestrian safety, stating that pedestrians currently use the grass verge as a pavement. It is confirmed that this is the case on this street and on many other streets in Helensburgh. The current parking of vehicles permanently on the driveway of no.50 is displacing pedestrians on to the carriageway where there is potential conflict with vehicles. This is a material consideration in determining of this application.

Natural Environment

There are no biodiversity impacts identified in the assessment of this application by the Planning Authority in relation to the loss of grass verge.

Built Environment

The site is within the Upper Helensburgh Conservation Area and is adjacent to a Listed Building as described above. The development relates to the grass verge which is an attractive feature of the Helensburgh Upper Conservation Area. It is not a feature of the conservation area to find car parking within this verge area, but driveways and footways are a common feature crossing the verge. In deed the Conservation Area Appraisal states *"the grid pattern and regimented street tree planting are very urban in character yet where one might anticipate a monument, grand building or statue, the vistas looking both east and west lead surprisingly to the hills framed by avenues of trees and foliage and the grass verges, which give a romantic, country park feel."* It then goes on to state *"the contribution of the planting of street trees in the grass verges, the broad grass verges themselves, the characteristics of plot boundaries, private garden grounds and public green spaces are major aspects of the townscape and crucial elements of its character."*

The hardstanding is a good quality material (Marshalls cobbled sets) that is in keeping with the Conservation area and the listed property and does not cause concern.

However the as explained above, the extending of the driveway is encouraging parking on the driveway and the creation of a parking area rather than a driveway. This is not in keeping with the Conservation Area where the grass verges on the whole are kept clear of parked cars and are an attractive feature of the Conservation Area. It is considered that extending this driveway will encourage parking on this verge area which in turn detracts from the character of the Conservation Area and therefore the proposal is contrary to Policy 7 Historic Assets and Places part d which states that proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation is preserved or enhanced. The proposal is also contrary to the relevant Local Development Plan policies LDP 3 and SG LDP ENV 17 and the proposed Local Development Plan policy 15.

Design, quality and place

NPF4 policy 14 seeks to ensure that proposals improve the quality of an area. For the reasons highlighted above under the built heritage section, the proposal would not improve the quality of the area. It would make the place less attractive and contrary to Policy 14 alongside the Local Development Plan design policy 9, SG LDP Sustainable siting and design principles and the proposed LDP policies 05 and 10 given the proposal does not achieve a good quality place.

Conclusion

Given all of the above and notwithstanding that the road is lightly trafficked there remains concerns about road safety that alongside the concerns about the impacts on the natural and built environment would justify refusal. Therefore it is considered that, the development does not accord with the relevant NPF4 Policies and Local Development Plan Policies and Supplementary Guidance and there are no material considerations that would mean that support could be given. In conclusion, it is recommended that the extended driveway is refused.

(Q) Is the proposal consistent with the Development Plan: N/a

(R) Reasons why Planning Permission or a Planning Permission in Principle should be Refused

The proposal is considered to be contrary to policies 7 and 14 of NPF 4, and policies LDP3, LDP 9, LDP 11, and SG LDP TRAN 4, SG LDP ENV 1, and SG LDP Sustainable Siting and Design Guidance of the Argyll and Bute Local Development Plan 2015, and there are no other material considerations of sufficient significance to indicate that it would be appropriate to grant planning permission in this instance as a departure to the Development Plan having regard to s25 of the Act.

Furthermore, the proposal is also considered to be contrary to the provisions of draft policies 05, 10, 15 and 35 of the proposed Local Development Plan 2.

(S) Reasoned justification for a departure to the provisions of the Development Plan:
N/A

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Kirsty Sweeney

Date: 8th December 2023

Reviewing Officer: Peter Bain

Date: 11th December 2023

Fergus Murray
Head of Development and Economic Growth

REASONS FOR REFUSAL RELATIVE TO APPLICATION: 23/01046/PP

1. The proposal does not accord with the Development Plan policies namely LDP 11 Improving our Connectivity and Infrastructure and SG LDP TRAN 4 which sets out the construction standards to be applied in relation to a private driveway on to a public road, given the widening of the driveway is unnecessary and even though it is not proposed to be used for parking, it will encourage vehicles to park here and they will have to reverse on to the street near a bend where there is poor visibility. It would also be contrary to the Proposed LDP Policy 35 for the same reasons.
2. In addition the displacement of pedestrians from the grass verge on to the road, due to parking on the widened driveway would present a potential conflict with vehicles. The current pedestrian access to no 50 is adequate and meets Roads Authority guidelines and requirements.
3. The widening of the driveway would encourage parking on the grass verge, which would be out of character with the Conservation Area, where the grass verge is a dominant feature and a crucial element of the character of the Conservation Area. The proposal is therefore contrary to Policy 7 Historic Assets and Places part d which states that proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation is preserved or enhanced. The proposal is also contrary to the relevant Local Development Plan policies LDP3 and SG LDP ENV 17 and the proposed Local Development Plan policy 15.
4. In addition, the proposal is contrary to Policy 14 of NPF4 alongside Local Development Plan design policy 9, SG LDP Sustainable siting and design principles and the proposed LDP policies 05 and 10 given the proposal does not achieve a good quality place and erodes the quality of the place.

APPENDIX TO DECISION REFUSAL NOTICE

Appendix relative to application **23/01046/PP**

(A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing. Yes No

(B) The reason why planning permission has been approved:

As above.