

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: 21/01288/PP
Planning Hierarchy: Local
Applicant: Mr David McKerrow
Proposal: Formation of vehicular access with gate and parking area (part retrospective)
Site Address: 17-19 West Clyde Street, Helensburgh, Argyll And Bute G84 8SQ

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Formation of vehicle access (retrospective)
- Installation of gate
- Formation of parking area

(ii) Other specified operations

- Demolition of section of wall
-

(B) RECOMMENDATION:

Planning permission be approved subject to conditions recommended herein.

(C) CONSULTATIONS:

Roads Helensburgh and Lomond – 06.08.2021 – No objections subject to conditions.

(D) HISTORY:

21/01297/LIB – Application for Listed Building Consent for the formation of vehicular access with gate and parking area (part retrospective) – Not yet determined – To be determined concurrently with this application for planning permission by elected Members.

(E) PUBLICITY:

Site Notice - Conservation Area – Expired 18.08.2021

Listed Building/Conservation Advert – Expired 26.08.2021

Neighbour Consultation – Expired 26.08.2021

(F) REPRESENTATIONS:

(i) Representations received from:

A total of 24 representations have been received – 2 registering support and 22 objections.

Support

Davi Stewart – Flat 1/2, 18 West Clyde Street, Helensburgh G84 8SQ

Mr Stephen Clayton - 19 West Clyde Street Helensburgh Argyll And Bute G84 8SQ

Objection

Mr. Charles Swallow - Flat 9 5 Colquhoun Square Helensburgh G84 8AD

Mr Cameron Reid - Caledonian Golf Travel Ltd Colquhoun Chambers 2 Colquhoun Street Helensburgh G84 8AJ

Anna Curley - 6 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Mark Ferguson - Flat 4 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

R Giarchi - Flat 2 5-8 Colquhoun Square 12 Colquhoun

E Giarchi - Flat 2 Owner Of Flat 5-8 Colquhoun Square 12 Colquhoun Square Helensburgh G84

Michael Austin - Flat 8 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Sheila Austin - Flat 8 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Rachel Guy - Flat 10 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Anne Barty - Flat 5 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Margaret English - 17 - 19 West Clyde Street Helensburgh Argyll And Bute G84 8SQ

Mudassar Shah-Mashwani - Address Not Provided

Graham Reid - AMG Chartered Accountants Colquhoun Chambers 2 Colquhoun Street Helensburgh Argyll And Bute G84 8AJ

Iris Heggan - 4 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Alastair Trail - 4 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Angela Thomson - 7 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Raman Kaushal - Flat 6 5 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Colin Dalglish - Flat 3 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Anne Filshie - Flat 10 1 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

John Morton - 6 Colquhoun Square Helensburgh Argyll And Bute G84 8AD

Mairead De Barra - Flat 7 1 Colquhoun Square Helensburgh G84 8AD

Graham Morrison - Flat 7 1 Colquhoun Square Helensburgh G84 8AD

Objections

(ii) Summary of issues raised:

- The proposed change from grassed garden with trees to paved parking would have a negative environmental impact contrary to conservation policy.

Comment:- Impact upon local visual amenity and the character and appearance of the conservation are assessed in Section (P) below.

- Poor visibility due to the height of the wall on either side of the access resulting in road traffic hazards
- Inadequate manoeuvring space would result in traffic hazards
- Resultant intensification of traffic movements would exacerbate existing traffic hazards on Colquhoun Street which does not have capacity due to existing traffic levels and recent changes to the street layout.
- Concerns are expressed that the proposed development will also be used for commercial deliveries involving small and large vans resulting in increased manoeuvring difficulties.

Comment: - Technical access issues will be assessed in detail in Section P below.

- There is a suggestion that the applicant intends to use his property for short-term let accommodation and this would exacerbate concerns regarding road safety and impact on residential amenity.

Comment: - The application for planning permission has to be assessed on its own merits. It would not be appropriate to take speculation of future development or change of use into account as part of this assessment. If future development requiring an application for express planning permission takes place then the material planning issues will be assessed as part of that application.

- Resultant intensification of traffic would result in noise and nuisance to residents.
- Removal of wall reduces security for residents/businesses at Colquhoun Square

Comment: - Impact upon residential amenities and security is assessed in Section (P) below.

- Reduction in surface water drainage

Comment: - A condition covering this issue is proposed.

- The plan is misleading as it does not show where the access is to be made.

Comment: - It is considered that the submitted application drawings are sufficiently clear with regard to the proposed entrance to the parking court area to allow a competent assessment.

- Works to demolish part of a wall within a conservation area have been carried out in breach of planning control.

Comment: - This application for planning permission seeks to regularise any works that have been implemented that require express consent.

- It is understood that the applicant does not own the wall which was demolished. Concern is expressed how the planning authority could therefore approve planning permission.
- Residents are considering legal action to have the wall re-instated.
- Applicant should be obliged by the Council to rebuild the wall at his expense.
- The access road to the site is a private road owned by residents and businesses in Colquhoun Square. The applicant has not paid towards the upkeep of the road and has no right to use it.
- Proposed car park is small and existing private car park for properties in Colquhoun Square may be used as 'overflow' parking.
- Any historical right of access into the application site has time-expired.

Comment: - Assessment of this application by the planning authority is based on material land-use planning matters. Issues of ownership or private rights of access are private civil matters that are more appropriately pursued outside of the planning system. The assessment by the planning authority is in no way prejudicial to land/property ownership disputes.

- Approval of planning permission would establish a precedent for similar proposals for other properties onto a private road.

Comment: - It is a fundamental tenet of the planning system that each planning application will be determined on a case-by-case basis with regard to the specific issues raised by each application. Private rights of access are not a material planning consideration and should be pursued as a private civil matter.

- If approved, it would make a very good investment sale to any neighbour with interest in a new asset.

Comment: - The application has to be assessed on its individual merits. Should it become apparent to the planning authority that there is any future breach in planning control with regard to the use of the parking area then it will be investigated and resolved at that time, however this possibility cannot prejudice assessment of the current application.

- The Fire Service has confirmed that front exit from the communal close along with the open rear garden is within the safety guidelines, and no change is required to the garden.

Comment: - Noted. Evidence that a rear access is not essential for fire safety does not warrant refusal of an application for planning permission for development that is consistent with the provisions of the Local development Plan and does not give rise to any adverse impact upon planning matters.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

- | | | |
|-------|--|----|
| (i) | Environmental Statement: | No |
| (ii) | An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) | A design or design/access statement: | No |
| (iv) | A report on the impact of the proposed development eg. Retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

Is a Section 75 agreement required: No

- (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: No**

- (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.**

'Argyll and Bute Local Development Plan' Adopted March 2015

LDP STRAT 1 – Sustainable Development
 LDP DM 1 – 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 to the Argyll and Bute Local Plan 2015' (Adopted March 2016)

Natural Environment

SG LDP ENV 6 – Impact on Trees / Woodland

Historic Environment and Archaeology

SG LDP ENV 16(a) – Impact on Listed Buildings
 SG LDP ENV 17 – Development in Conservation Areas and Special Built Environment Areas (SBEAs)
 SG LDP ENV 18 – Demolition in Conservation Areas

Sustainable Siting and Design

SG LDP Sustainable – Sustainable Siting and Design Principles

Resources and Consumption

SG LDP SERV 2 – Incorporation of Natural Features / SuDS

Transport (Including Core Paths)

SG LDP TRAN 4 – New & Existing, Public Roads & Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

(ii) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

- **Argyll and Bute proposed Local Development Plan 2 (November 2019)**

The unchallenged policies and proposals within pLDP2 may be afforded significant material weighting in the determination of planning applications at this time as the settled and unopposed view of the Council. Elements of the pLDP2 which have been identified as being subject to unresolved objections still require to be subject of Examination by a Scottish Government appointed Reporter and cannot be afforded significant material weighting at this time. The provisions of pLDP2 that may be afforded significant weighting in the determination of this application are listed below:

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

Policy 37 – Development Utilising an Existing Private Access or Existing Private Road

- Scottish Planning Policy
- Historic Environment Policy for Scotland (HEPS) – 5th April 2019 – Historic Environment Scotland (HES)
- Managing Change in the Historic Environment – Guidance Notes - HES
- Consultee responses
- Material land-use planning issues raised in representations

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

(L) Has the application been the subject of statutory pre-application consultation (PAC): No

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

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

(O) Requirement for a hearing: No

There is a total of 22 no. objections to the proposed development plus two supporters. However, the land-use planning related issues raised are not considered to be unduly complex, and as such it is considered that a fully informed assessment and determination can be made with reference to this report.

It is also considered that the proposed development is consistent with the relevant provisions of the Local Development Plan. It is considered that there is no policy conflict with the recommendation.

The recommendation is also consistent with all consultation responses.

On this basis, and having regard to the approved guidelines for hearings, it is considered that a hearing would not add value to this assessment.

(P) Assessment and summary of determining issues and material considerations

The proposal is for the formation of a parking court area for 5 vehicles within the existing walled rear curtilage of a listed building located within the Helensburgh Conservation Area. Physical works comprise the removal of a section of wall along the rear boundary of the curtilage to form an opening onto a private access road on adjacent land. A 3.0 metre long section of wall has been removed prior to this application. It is noted that the Area Roads Engineer has advised that this opening should be increased to a minimum of 3.7 metres to provide adequate visibility. It is also proposed to install a sliding metal gate across this opening. Lastly, it is proposed to surface the existing grassed rear yard with pavers and mark it out with 5 no. parking bays to one side of an aisle aligned with the gateway.

Access to the proposed parking court from the closest point on the public road network is shown as being via an existing private cul-de-sac access road that serves a car parking area at the rear of Colquhoun Square.

The rear elevation of the listed building is compromised to a significant extent by an accumulation of incremental alterations which have had a negative impact on the qualities of the building, including uPVC windows. The paving of a grassed yard with pavers will not have a material impact upon the setting of the listed building. The section of wall that has been removed is a relatively modern brick in-fill and as such it has nominal historic value in terms of building fabric. The formation of a gate within the rear wall of the curtilage of the listed building will retain the enclosed character of its setting to an acceptable degree. On this basis, the proposed development is considered to be consistent with Policies LDP 3 and SG LDP ENV 16(a).

The site is located within the Helensburgh Town Centre Conservation Area wherein there is a presumption against development that will not preserve or enhance the Character and appearance of the conservation area. The area around the site is a backland area of yards and outbuildings that traditionally served primary commercial premises fronting onto the public streets. As such the proposed formation of a gated entrance to a small, surfaced parking court to the rear of a frontage property is considered to be wholly in keeping with the character and appearance of this part of the conservation area in accordance with policies LDP 3 and SG LDP 17.

The intensification of traffic generated as a result of the proposed development will be minimal relative to the background levels of noise and activity within this rear servicing 'zone' and will not have any material impact upon the amenities of town centre residents occupying nearby buildings. There is no evidence of any negative impact upon security of nearby commercial or residential properties that is likely to be caused by the formation of a parking court for 5 vehicles to serve an existing property and the formation of a new gated opening into the walled yard at the rear of the application property.

Subject to the clear opening to the parking area being a minimum of 3.70 metres and the parking court being laid out to minimum standard dimensions, the Council's Area Roads Engineer has no objections to the proposed development on highways and access grounds. It is not considered that any commensurate improvements are required to the existing private public access regime in association with this proposal. As such, the proposed development accords with policies LDP 11 and SG LDP TRAN 4 of the Local Development Plan.

It is noted that many of the objectors to this application raise the issue of the applicant not having a right of way over the private access road to the rear of Colquhoun Square and as such cannot legally access the proposed parking area from the public road network. In the interests of clarity, the planning authority is restricted to assess land-use planning matters separate from ownership or disputes regarding rights of way that are private civil matters. This assessment and determination in no way prejudices private civil matter such as private rights of access which should be pursued by the appropriate parties outside of the planning system.

Having regard to all material planning considerations it is considered that the proposed development can be supported as being consistent with the relevant provisions of the Argyll and Bute Local development Plan – 2015.

(Q) Is the proposal consistent with the Development Plan: Yes

(R) Reasons why Planning Permission or Planning Permission in Principle Should be Granted:

The proposed development is considered to be in accordance with all relevant provisions of the Argyll and Bute Local Development Plan – 2015 and will not give rise to any other material planning issues such as to warrant a departure from these provisions.

(S) Reasoned justification for a departure to the provisions of the Development Plan

Not applicable. The proposed development has been assessed as being in accordance with all relevant provisions of the Local Development Plan.

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

Author of Report: Norman Shewan

Date: 7th October 2021

Reviewing Officer: Howard Young

Date: 7th October 2021

Fergus Murray
Head of Development and Economic Growth

CONDITIONS AND REASONS RELATIVE TO APPLICATION REF. NO. 21/01288/PP

1. The development shall be implemented in accordance with the details specified on the application form dated 18th June 2021, supporting information and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997.

Plan Title.	Plan Ref. No.	Version	Date Received
Location Plan	1 of 3 – 2126/PL-01	-	21.06.2021
Existing Plan & Elevation	2 of 3 – 2126/PL-02	-	21.06.2021
Proposed Plan, Elevation & Gate Details	3 of 3 – 2126/PL-03	-	21.06.2021-

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

2. Notwithstanding the provisions of Condition 1, no development shall commence until the full details of the access junction, showing a minimum clear opening of 3.70 metres in the boundary wall has been submitted to and approved in writing by the planning authority in consultation with the Council's Road Engineers. The opening shall be created in accordance with the approved design prior to commencement of any development within the proposed parking area and the approved scheme completed in full prior to the proposed parking being brought into use.

Reason: In the interests of road safety.

3. Notwithstanding the provisions of Condition 1, no development shall commence until full details of the layout and surfacing of a parking and turning area within the application site have been submitted to and approved in writing by the Planning Authority in consultation with the Council's Roads Engineers. These details shall include: -
 - i) Parking bays measuring no less than 2.5 metres by 5 metres; and,
 - ii) An aisle of minimum 6.0 metres width.

The duly approved scheme shall be implemented in full prior to the proposed parking area first being brought into use.

Reason: In the interest of road safety.

4. Notwithstanding the effect of Condition 1, no development shall commence until a full manufacturers specification for the pavers, including details of material, colour and finish, to be used in the surfacing of the parking court have been submitted to and approved in writing by the Planning Authority. The development shall thereafter be completed using the approved materials or such alternatives as may be agreed in writing with the Planning Authority.

Reason: In order to preserve the setting of the listed building and the character and appearance of the conservation area.

5. Notwithstanding the provisions of Condition 1, no development shall commence until details of the intended means of surface water drainage to serve the development have been submitted to and approved in writing by the Planning Authority.

The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the first use of the parking area and maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

NOTE TO APPLICANT

- **The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Section 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 21/01288/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the Main Town of Helensburgh Development Management Zone as identified in the Argyll and Bute Local development Plan 2015, wherein Policy LDP DM1 (A) gives encouragement in principle to up to and including large scale, sustainable forms of development on appropriate sites.

On this basis, the proposed development is considered to be consistent with the LDP Settlement and Spatial Strategy in principle.

B. Location, Nature and Design of Proposed Development

The application site has an area of approximately 326m² and comprises no.s 17-19 West Clyde Street including a walled yard to the rear of the frontage building. No.s 17-19 form part of continuous development fronting directly onto the pavement of West Clyde Street, located within the Core Shopping Area of Helensburgh as identified in the Argyll and Bute Local Development Plan – 2015 (LDP). The site is situated within the Helensburgh Conservation Area.

The frontage building is a Category C listed building. Further details relating to the listing are set out in section E below. An associated application for listed building consent is reported for Members consideration on this agenda.

The property is bound to either side by adjoining properties. It is bound to the rear by an unadopted private service access road with a junction off of the lower section of Colquhoun Street south of Colquhoun Square. This service road gives vehicular access to the rear of the Colquhoun Square premises and terminates in a private car-parking area to the rear of Colquhoun Square.

A 3.04 metre length of brick wall forming the northern boundary of the site with the service road has been removed to form an opening between the site and the adjacent service road.

The rear yard of the applications site is currently grassed with several perimeter trees/shrubs.

It is proposed to surface the rear yard area with block pavers and set out 5 no. parking spaces to one side of a manoeuvring aisle. Access from the public adopted road is to be via the service road to the rear of Colquhoun Square.

It is also proposed to install a manually operated sliding steel gate across the entrance to the site off of the adjacent service road.

C. Natural Environment

The area proposed to be surfaced and used for car parking comprises a level grassed area within a walled rear yard within an urban area. There are several individual small trees and shrubs around the perimeter of the rear curtilage. It is proposed that the

majority of the natural vegetation around the boundaries will be retained. As such, the proposed development will not have any material impact upon the natural environment and there is no conflict with policies LDP 3 or associated Supplementary Guidance.

D. Built Environment

The part of the application site subject to the proposed development is a walled yard forming part of a larger 'backland' area at the centre of a townscape 'block' formed by commercial and residential development fronting West Clyde Street, Sinclair Street, West Princes Street and the south eastern corner of Colquhoun Square.

The immediate area comprises walled or fenced-off rear yards, a service access road, a private parking area, outbuildings and infrastructure development, creating a commercial and utilitarian character typical of backland service areas to the rear of town centre shopping streets.

The proposed physical works comprise the following:-

- 1) Formation of an access with a sliding metal gate onto a access/service road to the rear of the application site; and,
- 2) Surfacing an existing grassed rear yard with block pavers to create a parking area

It is not uncommon to have gated accesses to the rear curtilages of frontage development off of a service access. Boundary treatment in this area comprises a mix of stone wall; brick wall; metal security style palisade fencing; 'Heras' fencing panels; timber post and rail; etc. As such the formation of an access and a black painted sliding metal gate is wholly in keeping with the visual character of this area. The laying of block pavers within a walled rear yard within a 'backland' area with a commercial/service character and appearance will have a negligible visual impact on the appearance of the area.

Having regard to the character of the immediate site context, it is considered that the proposed development will be in keeping with pattern and character of built development, and will not give rise to detrimental visual impact.

The proposed development is considered to be in accordance with the provisions of policies LDP 9 and Supplementary Guidance on Sustainable Siting and Design Principles.

E. Historic Environment

No.s 17-19 West Clyde Street is Category 'C' listed building by Historic Environment Scotland in recognition of its architectural and historic interest. It is a 3-storey tenement building with double fronted bays with a 'modern' dormer extension to the front roof. The ground floor frontage comprises two shop units with a central pend leading to the rear of the building. The rear elevation is considerably less formal in character with several additive forms extending outwards into the rear yard. Material finishes are cement render and brick. Many of the original windows have previously been replaced with unsympathetic uPVC frames.

Policies LDP 3 and SG LDP ENV 16(a) generally serve to require that development does not have any detrimental impact upon a listed building or its setting, and any features of special architectural or historic interest that it possesses. SG LDP ENV 16(b) relates to the “*total or substantial*” demolition of listed buildings. Whilst it is considered that the perimeter walls of the rear yard would normally be considered to form part of the listed building, the removal of a 3.0 metre section of non-original brick wall does not constitute substantial demolition and as such this policy will not be afforded any material weight in the assessment.

The section of wall that has been removed is within a section of brick wall which has been erected relatively recently to fill a gap in the original stone wall. As such it has no material historic value in relation to the loss of the actual fabric. Boundary enclosures do contribute to the setting of listed buildings however gateways within these boundaries are not uncommon, and the remaining either side of the new opening serve to retain the integrity of the walled enclosure to the rear yard. With reference to the Area Roads Engineer’s recommendation that the opening will require to be enlarged by a further 700mm, it is considered that this will not undermine the above assessment. Additionally, it is proposed to erect a black painted sliding metal gate which will help to retain the enclosed character of the rear yard. The replacement of the grassed area with block pavers will not have any material impact upon the setting of the listed building.

It is therefore considered that the propose development will preserve the architectural and historic features of the listed building and the integrity of its setting in accordance with policies LDP ENV 3 and SG LDP ENV 16(a).

Policies LDP 3 and SG LDP 17 serve to operate a presumption against development that does not preserve or enhance the character and appearance of a conservation area or its setting. As previously set out in more detail, whilst within the Helensburgh Town Centre Conservation Area, this site is discreetly located within the service area to the rear of a townscape block. This ‘backland’ service area is functional in terms of character and this minor scale of development to create an access to the rear yard of a frontage property, and the paving of that rear yard, is in keeping with that character and appearance. It is noted that the fabric of the brick wall has no historic value. As such, it is considered that the proposed development will preserve the character and appearance of this part of the Conservation Area in accordance with policies LDP 3 and SG ENV 17.

F. Road Network, Parking and associated Transport Matters

Access to the site is via a private access road serving the rear of commercial/residential development fronting onto Colquhoun Square. This private access road has a junction with the public adopted road network onto Colquhoun Street south of Colquhoun Square. An access point has created onto this private road by the removal of a 3.04 metre length of rear boundary wall at the rear of the application site. It is proposed to install a sliding gate across this opening and pave the existing yard area to provide 5 no. parking spaces to serve 17-19 West Clyde Street.

The clear width of the surfaced private access road from the rear wall to no.s 17-19 West Clyde Street to the face of the rear wall to the Colquhoun Square development is approximately 6.15 metres. Immediately across the access road from the rear boundary of the application site is a wide opening directly off of the private access into ‘undercroft’ parking servicing the rear of a Colquhoun Square property. Immediately to

the east of the proposed new gated access, the private service road widens out into a parking/turning area at the rear of Colquhoun Square.

Policies LDP 11 and SG LDP TRAN 4 serve to ensure that new development has appropriate road/access infrastructure to support them. Acceptance of new development utilising existing public roads, private roads and private access regimes is generally subject to the access being capable of any commensurate improvements considered by the Roads Authority to be appropriate to the scale and nature of the proposed new development.

Area Roads and Infrastructure Services has no objections with regard to technical highways matters provided that the minimum clear opening in the rear boundary wall is a minimum of 3.7 metres in width and that the car parking spaces measure 2.5x5.0 metres with an aisle of 6.0 metres width.

The existing opening in the rear boundary wall is 3.0 metres wide. However, there is no constraint to the further widening of the opening by a minimum of 700mm with regard to detrimental impact upon the character and appearance of the Helensburgh Conservation Area or the integrity of the setting of the listed building at no. 17-19 West Clyde Street. Notwithstanding the objections received from third parties, the Roads and Infrastructure Services consultation response indicates that the current public/private access regime can accommodate the resultant intensification in traffic without detrimental impact on road safety or congestion, without the need for any commensurate improvements. The intensification of traffic resulting from the creation of 5 no. car parking spaces will be insignificant in relation to existing traffic use, and traffic speeds will be slow along the private access road. As such the proposed development is considered to be consistent with the provisions of Policies LDP 11 and SG LDP TRAN 4

As such, it is considered that planning permission can be supported subject to a suspensive planning condition requiring the development to be implemented in accordance with submitted drawings showing a minimum gateway width of 3.7 metres.

The internal width of the yard is approximately 11.38 metres, which will allow for a row of parking spaces measuring 5.0 metres in length with a 6.0 metre aisle running along the rear of the row of spaces. Detailed design to ensure that surface water does not flow from the site onto the access road can also be secured by means of a suspensive planning condition.

A significant number of objections refer to issues of private rights of access, advising that the owner(s) of the application site do not have a legal right of access over the length of access road from the public adopted road network (Colquhoun Street). The Area Roads Engineer has included a conditional requirement of any consent for written agreement by the shared owners of the access road prior to the works being carried out.

Notwithstanding this comment by the Area Roads Engineer, and the objections received on grounds of private access rights over the road adjacent to the north of the application site, it is acknowledged that private rights of access are a civil matter that do not carry any material weight in terms of this assessment. Assessment by the planning authority must therefore be restricted to relevant land-use planning issues, which in this case include the technical standard of the existing access road regime and design of the access junction in relation to matters of highway safety and congestion. Having established that the proposed development can be served without detriment to congestion or safety then issues of private rights of access can be more

appropriately resolved between parties as a civil matter. It would therefore be inappropriate for the planning system to seek to approve any planning permission subject to a suspensive condition relating to resolution of a private civil matter between the applicant and other parties with an ownership interest in adjoining land.

G. Residential Amenity/Security

The upper floors of some residential flats in this part of Colquhoun Square overlook the application site across the service access road. The upper floors on adjacent properties on West Clyde St. may also include residential use.

It is considered that the use of a walled yard area as a parking court for 5 cars associated with the use of no.s 17-19 within a wider servicing rear court will not result in a material impact on residential amenity by reason of increased noise or disturbance. It is quite common for flatted development to be served by a parking court without any material detriment to amenity.

It is not considered that the formation of a gateway to a proposed parking court at the rear of an existing property will materially impact upon security. No specific threats to security directly arising from the propose development are put forward by objectors other than a general sense of threat. The proposal will in theory allow access from West Clyde Street to the service access at the rear via the pend. However access will be subject to some control, particularly when the proposed gate is closed. The planning authority has no evidence to anticipate that the propose development will result in any loss of security/safety to existing businesses or residents.