

Inverclyde Local Review Body

Our Ref: 16/0305/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Fir Cottage, Glenmosston Road, Kilmacolm
 - Application for Review by Nicholson McShane Architects on behalf of Mrs Betty Bowie against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 16/0305/IC
 - Application Drawings:
 - Drawing No. 2513_D.SP – site plan as proposed
 - Drawing No. 2513_D.LP – location plan
 - Drawing No. 2513_D.001 – ground floor plan as proposed
 - Drawing No. 2513_D.002 – upper floor plan as proposed
 - Drawing No. 2513_D.003 – elevation to east as proposed
 - Drawing No. 2513_D.004 – elevation to south as proposed
 - Drawing No. 2513_D.005 – elevation to north as proposed
 - Drawing No. 2513_D.006 – elevation to west as proposed
 - Drawing No. 2513_D.007 – section AA as proposed
 - Drawing No. 2513_D.008 – section BB as proposed
 - Drawing No. 2513_D.009 – model images as proposed
 - Date of Decision Notice: 21 December 2017
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 6 December 2017. The Review Body was constituted by Councillors J Crowther, G Dorrian, D McKenzie, R Moran, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the construction of a pitched roof, two storey, five bedroom house of contemporary design with an irregularly shaped floor plan and finished in a mix of wet dash render, timber cladding, artificial stone, grey-coated aluminium windows and imitation slate roof tiles. The proposed dwellinghouse is set approximately 20m to the east of Glenmosston Road on a level portion of the site and sits partially over the slope between the level portion of the site of the site and Glenmosston Road. The section of the building over the

slope contains underbuilding and an elevated ground floor balcony. The application was refused consent in terms of a decision letter dated 20 July 2017.

3. Preliminaries

3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application dated 14 November 2016 together with plans
- (ii) Appointed Officer's Report of Handling dated 20 July 2017
- (iii) Planning Application Advice Note No. 2 – Single Plot Residential Development
- (iv) Planning Application Advice Note No. 3 – Private and Public Open Space provision in New Residential Development
- (v) Planning Application Advice Note No. 5 – Balconies and Garden Decking
- (vi) Historic Environment Scotland Policy Statement June 2016
- (vii) Historic Environment Scotland Guidance Note 'New Design in Historic Settings'
- (viii) Planning Advice Note 71 – Conservation Area Management
- (ix) Applicant's Supporting Statement in relation to planning application
- (x) Consultation responses in relation to planning application
- (xi) Representations in relation to planning application
- (xii) Decision Notice dated 20 July 2017 issued by Head of Regeneration & Planning
- (xiii) Notice of Review Form dated 26 September 2017 together with supporting documentation
- (xiv) Suggested conditions should planning permission be granted on review

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. Reasons

4.1 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, determined that the review application should be upheld.

4.2 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be placed on the planning permission for the reasons specified.

5 Conditions

1. That the development to which this permission relates must be begun within three years from the date of this permission.
2. That prior to the commencement of development, samples of all facing materials shall be submitted to and approved in writing by the Planning Authority. The approved samples shall thereafter be used unless any alternatives are approved in writing by the Planning Authority.

3. That prior to the commencement of development, full details of all boundary treatments shall be submitted to and approved in writing by the Planning Authority. The boundary treatments shall be erected in full prior to occupation of the associated dwellinghouse hereby approved.
4. That prior to the commencement of development, full details of all soft and hard landscaping shall be submitted to and approved in writing by the Planning Authority. The approved landscaping shall be carried out in full prior to occupation of the associated dwellinghouse hereby approved.
5. That prior to the start of development, details of a survey for the presence of Japanese Knotweed shall be submitted to and approved in writing by the Planning Authority and that, for the avoidance of doubt, this shall contain a methodology and treatment statement where any is found. Development shall not proceed until appropriate control measures are implemented. Any significant variation to the treatment methodology shall be submitted for approval, in writing by the Planning Authority prior to implementation.
6. That the development shall not commence until an Environmental Investigation and Risk Assessment, including any necessary Remediation Scheme with timescale for implementation, of all pollutant linkages has been submitted to and approved, in writing by the Planning Authority. The investigations and assessment shall be site-specific and completed in accordance with current codes of practice. The submission shall also include a Verification Plan. Any subsequent modifications to the Remediation Scheme and Verification Plan must be approved in writing by the Planning Authority prior to implementation.
7. That before the first of the residential units hereby permitted is occupied the applicant shall submit a report for approval, in writing by the Planning Authority, confirming that the works have been completed in accordance with the agreed Remediation Scheme and supply information as agreed in the Verification Plan. This report shall demonstrate that no pollutant linkages remain or are likely to occur and include (but not be limited to) a collation of verification/validation certificates, analysis information, remediation lifespan, maintenance/aftercare information and details of all materials imported onto the site as fill or landscaping material. The details of such materials shall include information of the material source, volume, intended use and chemical quality with plans delineating placement and thickness.
8. That the presence of any previously unrecorded contamination or variation to reported ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and amendments to the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
9. That tree protection measures in accordance with the latest BS 5837 guidance shall be erected prior to the commencement of development and shall remain in place thereafter until the completion of all elements of construction.
10. That the driveway shall be a minimum of 4.8 metres wide to allow 2 vehicles to pass.
11. That the driveway gradient shall not exceed 10%.
12. That a visibility splay of 2.4m by 43m by 1.05m high shall be provided at all times.
13. That all surface water must be contained within the site. Drainage arrangements shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.
14. That development shall not commence on site until the recommendations of the "Extended Phase 1 Habitat Survey" are implemented in full, especially in relation to protected species.

Reasons

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of visual amenity.
3. In the interests of the privacy of adjoining residents.
4. In the interests of amenity and to prevent deleterious materials being carried onto the carriageway.
5. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
6. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
7. To ensure contamination is not imported to the site and confirm successful completion of remediation measures in the interest of human health and environmental safety.
8. To ensure that all contamination issues are recorded and dealt with appropriately.
9. To ensure the protection of trees.
10. In the interests of traffic safety.
11. To ensure the driveway will be usable.
12. In the interests of traffic safety.
13. To avoid the creation of flooding.
14. In the interests of nature conservation.

Signed _____

Head of Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.