

Inverclyde Local Review Body

Our Ref: 17/0134/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Land between 34 and 36 Dunvegan Avenue, Gourrock
 - Application for Review by Quigley Architects on behalf of Mr S Law against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0134/IC
 - Application Drawings:
 - View looking north from street
 - View looking south east from garden
 - Drawing No. 1620/AL(0)02 – site plan as existing
 - View looking west from street
 - Drawing No. 1620/AL(0)03 – plan as existing
 - View looking south from garden
 - Drawing No. 1620/AL(0)04 – sections as existing
 - View looking north east from street
 - Drawing No.1620/AL(0)05 – elevations as existing
 - View looking north west from street
 - Drawing No.1620/AL(0)06 – site plan as proposed
 - View looking north west from street
 - Drawing No.1620/AL(0)07 – lower ground floor plan as proposed
 - Drawing No.1620/AL(0)08 – ground floor plan as proposed
 - Drawing No.1620/AL(0)09 – first floor and roof plan as proposed
 - 1620 1 photograph
 - Drawing No.1620/AL(0)10 – sections as proposed
 - Drawing No.1620/AL(0)11 – elevations as proposed
 - 1620 2 photograph
 - 1620 3 photograph
 - Drawing No.1620/AL(0)01 – location plan
 - Date of Decision Notice: 22 February 2018
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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 firstly at a meeting held on 6 December 2017. The ILRB was constituted by Councillors R Moran, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair). At that meeting the Members of the ILRB decided to seek further information from the applicant by means of a written submission to provide all information on Issue 9.5 "Housing Sites Included in the Proposed Plan: Urban Sites: Barr's Brae, Port Glasgow; Dunvegan Avenue, Gourrock; fmr Kilmacolm Institute, The Cross, Kilmacolm; and Gillburn Road, Kilmacolm" as set out in the Report to Inverclyde Council: Inverclyde Local Development Plan Examination June 2014, being pages 132 – 138 (both inclusive) of the Report.
- 1.3 The ILRB reconvened on 7 February 2018 to determine the matter. The ILRB on 7 February 2018 was constituted by Councillors J Crowther, G Dorrian, D McKenzie, R Moran, I Nelson (Chair) and L Rebecchi.

2. **Proposal**

- 2.1 The application proposal is for the construction of two detached dwellinghouses on the site, both being 2 storeys in height and mirroring each other in terms of design, presenting as a single storey to Dunvegan Avenue and two storeys to the rear. The street elevations consist of a reconstituted stone finish with ground to eaves fenestration and a main entrance door. The rear elevations are dominated by glazing with limited use of a smooth render finish between glass panels and at the rear corners. The side elevations are dominated by the render finish with limited fenestration. The roof, which slopes downwards on all four sides from the central flat section, will be finished in slates with a small rooflight to the front and a larger rooflight to the rear. The application was refused consent in terms of a decision letter dated 26 June 2017.

3. **Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:
- (i) Planning Application dated 28 April 2017 together with plans;
 - (ii) Appointed Officer's Site Photographs together with location plan;
 - (iii) Appointed Officer's Report of Handling dated 22 June 2017;
 - (iv) Planning Application Advice Note No. 3 – Private and Public Open Space Provision in New Residential Development;
 - (v) Applicant's Supporting Statement in relation to planning application
 - (vi) Representations in relation to planning application
 - (vii) Decision Notice dated 26 June 2017 issued by the Head of Regeneration & Planning
 - (viii) Notice of Review form dated 25 September 2017 from Quigley Architects together with Planning Appeal document
 - (ix) Letter dated 11 October 2017 from Quigley Architects in relation to new matters
 - (x) Email dated 17 October 2017 from Legal & Property Services to Quigley Architects in relation to new matters
 - (xi) Further representations submitted following receipt of Notice of Review
 - (xii) Letter dated 2 November 2017 from Quigley Architects in response to further representations
 - (xiii) Suggested conditions should planning permission be granted on review

The ILRB at the meeting held on 6 December 2017 had regard to new matters raised by the applicant's agent and was provided with copies of the following:

- (i) Production 8.43 – Inverclyde Local Review Body Decision Notice dated 12 April 2017; and
- (ii) Production 8.44 – Inverclyde Local Development Plan Examination dated 11 June 2011.

In addition, the ILRB at the meeting held on 7 February 2018 was provided with copy email dated 18 December 2017 from Quigley Architects providing information by means of a written submission requested by the ILRB at its meeting on 6 December 2017.

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 The determining issues in this review are (a) the planning history of the site, including (i) the Reporter's conclusions in relation to Dunvegan Avenue, Gourrock set out in the Inverclyde Local Development Plan Examination dated 11 June 2011 which accorded with the planning authority's acknowledgement that the principle of residential development on this vacant site would be acceptable and (ii) the designation of the site within the Local Development Plan as an area of public open space and (b) the number of gap sites within the estate. The ILRB noted that there are six gap sites within the estate, five of which are within the Council's ownership, and considered whether the development of housing on the privately owned site would have a detrimental impact on the estate.

4.2 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, following a vote determined that the review application should be upheld.

4.3 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.

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.

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.