

Inverclyde Local Review Body

Our Ref: 17/0160/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 100 metres southwest of the main house at Torridon, Glenmosston Road, Kilmacolm
 - Application for Review by Anderson Strathern LLP on behalf of Dr R Smyllie against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0160/IC
 - Application Drawings: Drawing No. b100 – proposed plans
Drawing No. b120b – proposed site plan and garage plans
Drawing No. b121 – location plan
Drawing No. b122 – block 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 at a meeting held on 7 February 2018. The Review Body was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the construction of a two storey detached villa set back approximately 29.5 metres from Glenmosston Road, 16.12 metres from the boundary with Ladymuir to the south west and approximately 70 metres from Torridon. The dwelling will be a HUF house which typically consists of a greater level of fenestration and lower pitched roof than the normal Scottish vernacular, with the remainder of the external was finish comprising white render. The roof will be finished in slate grey tiles. The main part of the dwelling measures 10.06 metres by 12.46 metres by approximately 7.18 metres to the apex of the low pitch roof. There is also to be a detached garage/car port measuring 7.16 metres by 6.16 metres by 2.9 metres high between the proposed dwelling and Glenmosston Road. A dedicated vehicular access is to be formed from Glenmosston Road, approximately 18 metres to the south west of the existing access to Torridon. The application was refused consent in terms of a decision letter dated 27 July 2017.

3. Preliminaries

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

- (i) Planning Application dated 30 May 2017 together with plans;
- (ii) Appointed Officer's Site Photographs together with location plan;
- (iii) Appointed Officer's Report of Handling dated 27 July 2017;
- (iv) Planning Application Advice Note No. 2 – Single Plot Residential Development;
- (v) Planning Application Advice Note No. 3 – Private and Public Open Space provision in New Residential Development;
- (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 Landscape Appraisal in relation to Planning Application;
- (x) Consultation responses in relation to planning application;
- (xi) Representations in relation to planning application;
- (xii) Decision Notice dated 27 July 2017 issued by the Head of Regeneration & Planning;
- (xiii) Notice of Review Form dated 5 October 2017 from Anderson Strathern LLP together with supporting documentation;
- (xiv) Email dated 20 October 2017 from Anderson Strathern LLP in relation to new matters; and
- (xv) Suggested conditions should planning permission be granted on review.

In addition, the ILRB had regard to new matters raised by the applicant's agent and was provided with copies of the following:-

- (i) Scottish Wildlife Trust Reserve Agreement for Glen Moss Wildlife Reserve;
- (ii) Decision Notice dated 7 June 2012 in relation to planning application 12/0030/IC;
- (iii) Report to Planning Board on 6 June 2012 in relation to planning application 12/0030/IC;
- (iv) North east & south west elevations, south east & north west elevations and floor plans in relation to planning application 12/0030/IC; and
- (v) Listing schedule for Knapps House, Houston Road, Kilmacolm.

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 (i) the differing architectural styles within Kilmacolm and (ii) the impact of the proposal on the Conservation Area. The ILRB noted that neither Kilmacolm Civic Trust nor Kilmacolm Community Council had objected to the proposal. The ILRB was satisfied that there was no consistency in house design in the Conservation Area.

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, 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 dwellinghouse 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 two vehicles to pass.
11. That the driveway gradient shall not exceed 10%.
12. That the first 2 metres of the driveway, as measured from the edge of the carriageway, shall be finished in a hard sealed surface.
13. That a visibility splay of 2.4m by 43m by 1.05m high shall be provided at all times.
14. That the minimum internal dimensions for the garage shall be 7 metres by 3 metres.

15. 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.

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.
5. 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 to 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. To prevent deleterious materials being carried onto the carriageway.
13. In the interests of traffic safety.
14. To accord with the adopted National Roads Guidelines.
15. To avoid the creation of flooding.

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.