

## Inverclyde Local Review Body

Our Ref: 17/0208/IC

### REVIEW DECISION NOTICE

---

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Vacant land, Faulds Park Road, Gourock
  - Application for Review by Nicholson McShane Architects on behalf of Canata & Seggie, Chartered Architects against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 17/0208/IC
  - Application Drawings:
    - Drawing No. 2528\_LP – location plan as existing
    - Drawing No. 2528\_SP – site plan as proposed
    - Drawing No. 2528\_D.001 Revision A – lower ground and ground floor plans as proposed
    - Drawing No. 2528\_D.002 Revision A – upper floor and roof plans as proposed
    - Drawing No. 2528\_D.003 Revision A – proposed east elevation
    - Drawing No. 2528\_D.004 Revision A – proposed west elevation
    - Drawing No. 2528\_D.005 Revision A – proposed front elevation
    - Drawing No. 2528\_D.006 – proposed rear elevation
    - Drawing No. 2528\_D.007 – proposed section A-A
    - Drawing No. 2528\_D.008 – model images
  - Date of Review Decision Notice: 17 April 2018
- 

### **Decision**

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 4 April 2018. The ILRB was constituted by Councillors C Jackson, J Crowther, G Dorrian, D McKenzie, I Nelson (Chair) and L Rebecchi.

#### **2. Proposal**

- 2.1 The application proposal is for planning permission to erect a single dwellinghouse fronting Faulds Park Road. The house will be of individual design and feature a mono-pitch roof. The house will be two storeys to the front and be to a height of around 8 metres when viewed from Faulds Park Road. Due to the steep topography of the site, the rear of the house is over three storeys. When viewed from the rear, it extends to a height of around 13.75 metres. The rear

also features three outdoor terraces accessed from the house. Accommodation within the proposed house comprises a living room, family room, dining room and kitchen to the ground floor, together with a utility room, bedroom and garage. The family room and lounge will open out to the upper rear terrace. The lower ground floor comprises a guest suite, gym, home cinema and office. The gym and guest suite open out to the lower rear terrace. The upper floor comprises a further four bedrooms. The master bedroom opens out to a first floor balcony. An internally linked self-contained two bedroom annex is provided above the garage. External finishes comprise white render, vertical timber cladding, a stone basecourse and stone terrace walls to the rear, and a sedum roof. The application was refused consent in terms of a decision letter dated 10 October 2017.

### 3. Preliminaries

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

- (i) Planning Application dated 12 July 2017 together with plans;
- (ii) Appointed Officer's Site Photographs together with location plan;
- (iii) Appointed Officer's Report of Handling dated 29 September 2017;
- (iv) Planning Application Advice Note No. 2 – Single Plot Residential Development;
- (v) Planning Application Advice Note No. 3 – Private and Public Open Space in New Residential Development;
- (vi) Planning Application Advice Note No. 5 – Balconies and Garden Decking;
- (vii) Tree Survey, Arboricultural Constraints and Implication Assessment dated March 2017 submitted by applicant in support of planning application;
- (viii) Consultation responses in relation to planning application;
- (ix) Representations in relation to planning application;
- (x) Decision Notice dated 10 October 2017 issued by Head of Regeneration & Planning;
- (xi) Notice of Review Form dated 9 January 2018 together with supporting documentation;
- (xii) Further representations submitted following receipt of Notice of Review; and
- (xiii) Suggested conditions should planning permission be granted on review.

3.2 Having regard to the material before the ILRB, 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. Findings and Conclusions

4.1 The determining issue in this review was the environmental impact of the proposed dwellinghouse, particularly in relation to trees. The ILRB also had regard to the letters of representation submitted in relation to the planning application.

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, considered that no evidence had been submitted within the documentation submitted to it sufficient to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 10 October 2017, subject to the inclusion of the word "occupiers" in reason 6, namely:

1. the proposal would have a severe and detrimental impact on the SINC in terms of a reduction in biodiversity value both at an individual level as a woodland, and at a wider level as a wildlife corridor contrary to policies ENV1, ENV4 and ENV7 of the Inverclyde Local Development Plan;
2. the tree removal resulting from the proposal would fail to safeguard Pritchard Wood which is a designated TPO, contrary to policy ENV6 of the Inverclyde Local Development Plan;
3. the unacceptable loss of existing landscape features within the site together with lack of any detailed landscaping results in the proposal being contrary to Policy RES1 of the Local Development Plan;
4. the removal of trees combined with the height of the proposed new house in an elevated position would result in an unexpected feature within Pritchard Wood, particularly during the

winter months when the trees are not in leaf. This would be to the detriment of both the established character and amenity of the area and the amenity of the neighbouring residents, contrary to Policy RES1;

5. the rear terraces of the proposed house by virtue of their location and size would allow the opportunity to undertake a range of functions over extensive periods of day and evening to an extent that the activity may impinge upon the enjoyment of neighbouring properties to the detriment of the amenity of neighbouring residents. As such the proposal is contrary to the advice and guidance within the Council's Planning Application Advice Note 5 together with Policy RES1 (a) of the Local Development Plan; and

6. the applicant has failed to demonstrate that the proposed house would not be impacted by noise from the industrial premises to the detriment of the amenity of the occupiers and that operation of the industrial premises would not be compromised due to the potential for disturbance to the occupiers of the proposed house.

4.4 The Review Application was accordingly dismissed.

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.