

Inverclyde Local Review Body

Our Ref: 18/0210/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Shop, 3 Bute Street, Gourrock
 - Application for Review by Richard Robb Architects on behalf of Mr G Singh against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 18/0210/IC
 - Application Drawings: Drawing No. 810/BL/01 – Block plan as existing and proposed
Drawing No. 810/EL/01 – Front elevation as existing and proposed
Drawing No. 810/EL/02 – Side elevation as existing and proposed
Drawing No. 810/EL/03 – Side elevation as existing and proposed
Drawing No. 810/PL/01 – Ground floor/site plan as existing
Drawing No. 810/PL/02 – Ground floor/site plan as proposed
Drawing No. 810/SEC/01 – Section A-A as existing and proposed
Drawing No. 810/LOC/01 – Location plan
 - Date of Decision Notice: 16 April 2019
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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 3 April 2019. The Review Body was constituted by Councillors J Clocherty, J Crowther, R Moran, D McKenzie, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the formation of an approximately 45 square metre flat roofed front extension across the full width of the existing shop front. As the building is not parallel to Bute Street, the set back of the extension from the footway heel varies between approximately 0.13m and 0.67m. The proposed extension contains a shop front of similar design to that of the existing shop front with a fascia and double display window of similar scale. While the existing shop front contains a single door, double doors are now proposed. The rendered wall finish of the extension will match that of the existing building. In addition, an existing pillar box is to be relocated from its position on the forecourt to adjoin the proposed shop front. The application was refused consent in terms of a decision letter dated 13 September 2018.

3. Preliminaries

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

- (i) Planning Application dated 16 July 2018 together with plans and location plan;
- (ii) Appointed Officer's Site Photographs together with location plan;
- (iii) Appointed Officer's Report of Handling dated 13 September 2018;
- (iv) Consultation responses in relation to planning application;
- (v) Representations in relation to planning application;
- (vi) Decision Notice dated 13 September 2018 issued by Head of Regeneration & Planning;
- (vii) Notice of Review Form dated 11 October 2018 with supporting documentation from Richard Robb Architects;
- (viii) Further representations submitted following receipt of Notice of Review;
- (ix) Letter dated 28 February 2019 from Richard Robb Architects in response to further representations;
- (x) 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 The determining issues in this review were (1) the impact of the proposal on the established building line along Bute Street, (2) the flat roof design of the proposed extension, and (3) the benefit to the local community resulting from expansion of the existing business.

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, following a vote, 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, together with the advisory notes listed.

5. Conditions

1. That the permission hereby granted shall be implemented within 3 years of the date of this permission.

2. That samples of all facing materials to be used shall be submitted to and approved in writing by the Planning Authority prior to their use. The approved materials shall thereafter be used unless a variation is approved in writing by the Planning Authority.

3. That full details of the access gate shall be submitted to and approved in writing by the Planning Authority prior to it being erected.

4. 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.

5. 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.

6. That before the development 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.
7. That the presence of any previously unrecorded contamination or variation to anticipated ground conditions that becomes evident during site works shall be brought to the attention of the Planning Authority and the Remediation Scheme shall not be implemented unless it has been submitted to and approved, in writing by the Planning Authority.
8. Deliveries or collections to and from the site shall not be carried out between the hours of 23:00 and 07:00.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. To help arrest the spread of Japanese Knotweed in the interests of environmental protection.
5. To satisfactorily address potential contamination issues in the interests of human health and environmental safety.
6. 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.
7. To ensure that all contamination issues are recorded and dealt with appropriately.
8. To protect the amenities of occupiers of premises from unreasonable noise and vibration levels.

Advisory Notes

1. All external lighting on the application site should comply with the Scottish Government Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption".
2. The applicant must consult or arrange for their main contractor to consult with either Sharon Lindsay or Emilie Smith at Inverclyde Council, Environmental & Public Protection (01475 714200), prior to the commencement of works to agree times and methods to minimise noise disruption from the site.
3. Air conditioning units/heating units/refrigeration units etc. if attached to the property must be suitably insulated or isolated.
4.
 - i. The applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.
 - ii. Design and Construction of Buildings – Gulls: It is very strongly recommended that appropriate measures be taken in the design of all buildings and their construction, to inhibit the roosting and nesting of gulls. Such measures are intended to reduce nuisance to, and intimidation of, persons living, working and visiting the development.

- iii. Consultation on Proposed Use: It is strongly recommended that prior to the commencement of any works the applicant consults with Officers of Safer and Inclusive Communities to ensure structural compliance with legislation relating to:
- a) Food Safety Legislation; and
 - b) Health and Safety at Work etc. Act 1974.

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.