

## Inverclyde Local Review Body

Our Ref: 19/0073/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Vacant Site, Cove Road, Gourock
  - Application for Review by Kraft Architecture Ltd on behalf of CASBO against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 19/0073/IC
  - Application Drawings: Location Plan  
Drawing No. 19/01 – 01C – Existing and proposed site plan and entrance gate detail
  - Date of Decision Notice: 17 September 2020
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### **Decision**

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions and advisory notes 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 2 September 2020. 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 to use the site as a boat storage facility. The site will be laid out with 19 boat storage bays, 7 car parking spaces, a vehicle turning area and a central aisle. It is proposed to install a new 2m high galvanized metal fence and folding gates to Cove Road. The application was refused consent in terms of a decision letter dated 27 January 2020.

#### **3. Preliminaries**

- 3.1 The ILRB Members were provided with copies of the following:
  - (i) Planning Application dated 5 April 2019 together with plans
  - (ii) Appointed Officer's site photographs  
(NB: Not before Appointed Officer at time decision made on planning application)

- (iii) Appointed Officer's Report of Handling dated 11 October 2019
- (iv) Extract of Inverclyde Local Development Plan 2019 including:
  - Policy 1 – Creating Successful Places
  - Policy 20 – Residential Areas
  - Policy 29 – Listed Buildings
  - (including relevant figures and schedules)
- (v) Extract of Inverclyde Local Development Plan 2014 including:
  - Policy RES 1 – Safeguarding the Character and Amenity of Residential Areas
  - Policy RES 3 – Residential Development Opportunities
  - Policy RES 6 – Non-Residential Development within Residential Areas
  - Policy HER 5 – The Setting of Listed Buildings
  - (including relevant figures and schedules)
- (vi) Consultation responses in relation to planning application
- (vii) Representations in relation to planning application
- (viii) Decision Notice dated 27 January 2020 issued by head of Regeneration & Planning
- (ix) E-mail dated 5 February 2020 enclosing Notice of Review Form and supporting documentation from Kraft Architecture Ltd
- (x) Suggested conditions and advisory notes 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 the planning history of the site and its previous use for boat storage.
- 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 and advisory notes 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, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended;
2. that prior to the commencement of works on site, full details of the site surfacing shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved unless an alternative is otherwise first agreed in writing by the Planning Authority, to ensure the surfacing has an appropriate visual appearance;
3. that no consent is given for a galvanised finish to the metal gates and fence hereby permitted prior to their installation, full details of the colour of a powdercoated or painted finish shall be submitted to and approved in writing by the Planning Authority. Works shall then proceed as approved and the fence and gates shall be maintained in the approved colour at all times thereafter to the satisfaction of the Planning Authority, to ensure the gates and fence have an appropriate visual appearance;
4. that the gates shall open inwards at all times, to avoid the gates opening out across the road or footway, in the interests of road safety;
5. that the first two metres of the entrance area of the site shall be paved to the satisfaction of the Planning Authority, to avoid deleterious materials being carried out onto the road and footway, in the interests of road safety;
6. that prior to the commencement of the boat storage use on site, all off-street car parking spaces and boat storage bays as indicated on approved drawing 19/01-01C shall be physically marked out on site to the satisfaction of the Planning Authority. The use and operation of the site shall then accord with this layout all times thereafter to the satisfaction of the Planning Authority, to ensure the provision of off-street car parking, in the interests of road safety and to ensure that the site is laid out in an appropriate, visually acceptable manner;
7. that the car parking spaces shall remain unobstructed and available for use for car parking at all times to the satisfaction of the Planning Authority, to ensure the availability of off-street parking, in the interests of road safety;
8. that both the central aisle and the turning space shall remain unobstructed and available for use by manoeuvring vehicles and trailers at all times to the satisfaction of the Planning Authority, to ensure the centre aisle and turning area are free from obstructions which may cause vehicles to reverse out across the footway and onto the public road, in the interests of road safety;
9. 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, to help arrest the spread of Japanese Knotweed, in the interests of environmental protection;
10. 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, to satisfactorily address potential contamination issues, in the interests of human health and environmental safety;
11. 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, 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; and

12. 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, to ensure that all contamination issues are recorded and dealt with appropriately.

### **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"; and

(2) the applicant should be fully aware of the Construction (Design & Management) Regulations 2015 (CDM 2015) and their implications on client duties etc.

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.